Evaluation of the Additions to Reserves (ATR) Policy

Prepared For:

Audit and Evaluation Branch
Department of Indian Affairs and Northern Development

Prepared By:

Goss Gilroy Inc.
Management Consultants
Suite 900, 150 Metcalfe Street
Ottawa, Ontario
K2P 1P1
(613) 230-5577

June 6, 1996

101-01102/

Table of Contents

Executive Summary i

Section 1 - Introduction 1
Introduction 1
Study Approach 2

Section 2 - The ATR Policy and Current Procedural Environment 5
The Additions To Reserve (ATR) Policy 5
The ATR Process 8
Summary of ATR Activity to Date 11

Section 3 - Detailed Findings: Relevancy of the Policy 13
Findings 13
Summary of Findings 21

Section 4 - Effectiveness of the Policy 23
Findings 23
Summary of Findings 31

Section 5 - Impact of the Policy 33
Findings 33
Summary of Findings 38

Section 6 - Effectiveness of Delivery 39
Findings 39
Summary of Findings 48

Section 7 - Conclusions and Recommendations 50
Conclusions 50
Recommendations 51

Appendices
Terms of reference
Action plan

Acronyms

ARC	-	Additions to Reserves Committee
ATR	-	Addition to Reserve
BCR	-	Band Council Resolution
B.C.	-	British Columbia
DIAND	-	Department of Indian Affairs and Northern Development
DND	-	Department of National Defence
DOJ	-	Department of Justice (or Justice Canada)
FFA	-	Final Framework Agreement
FN	-	First Nation
FSO	-	Funding Services Officer
FSIN	-	Federation of Saskatchewan Indian Nations
GGI	-	Goss Gilroy Inc.
HQ	-	Headquarters
LTS	-	Lands and Trusts Services
NB/NR/NC	-	New Bands/New Reserves/New Communities
NRCan	-	Natural Resources Canada
NWT	-	Northwest Territories
OiC	-	Order-in-Council
RDG	-	Regional Director General
SARM	-	Saskatchewan Association of Rural Municipalities
SIMAS	-	Saskatchewan Indian and Métis Affairs Secretariat
SUMA	-	Saskatchewan Urban Municipalities Association
TLE	-	Treaty Land Entitlement

Executive Summary

The purpose of this study was to conduct an evaluation of the Additions to Reserves (ATR) Policy. The study was required to assess the performance of the policy and its continued relevance. Although the study was national in scope, particular attention was given to the three regions where the majority of the volume of additions has occurred to date; i.e., British Columbia, Saskatchewan and Ontario.

The objectives of the study were to look at the ATR policy from the standpoint of four main issues:

- Relevancy of the Policy
- Effectiveness of the Policy
- Impact of the Policy
- Effectiveness of Delivery

This review was undertaken by Goss Gilroy Inc. (GGI). Our approach emphasized:

- a review of relevant documentation;
- interviews;
- site visits to Ontario, Saskatchewan and British Columbia;
- detailed compliance reviews of selected additions to reserves files in each of the 3 regional offices visited;
- a presentation of the preliminary findings to the project authority and the program managers at Lands and Trust Services; and,
- a workshop.

Generally the policy is effective and is strongly supported by regions. Compliance is well done. The kinds of issues raised during the evaluation and the recommendations to address them reflect the rapidly changing environment and support the program directions.

Summary of Findings

Overall

Overall, the relevancy and effectiveness of the current ATR policy and regional compliance with the policy are positive.

Relevancy of the Policy

- In light of the current and projected land claims activity, increasing fiscal restraint, increased interest in urban reserves and the inherent right to self-government policy, the policy is still relevant in that it responds to the need for additional reserve land.

- The number of acres that have been added to reserves since 1991 has been relatively insignificant given the number of acres being proposed for addition. The situation in Saskatchewan is particular noteworthy with the addition of only 7000 acres out of a proposed 1.6 million acres.

- The policy does not adequately address: municipal tax loss compensation, the economic rationale, competing/ overlapping claims, and reserves held jointly by more than one band.

- In implementing the policy, the following are not adequately addressed: resolution of third party issues, surplus Crown property, compatibility with municipal by-laws and related enforcement, and significantly contaminated land.

- There are also a number of emerging issues in implementing the policy. These include: merchantable timber in British Columbia, surface access to sub-surface rights (minerals, oil and gas) by third parties, contaminated land, and the net incremental costs to a region in the longer term as the result of an addition.

- Fiscal restraint is affecting the amount of urban and non-contiguous land added to reserve across the country.

- The degree of difficulty encountered by a region to add urban versus rural non-contiguous land under the policy differs from region to region and from case to case. This was confirmed by the workshop participants.

- For municipal and First Nation stakeholders, the guidance provided to them during the process appears to be less than adequate.

- Some First Nations feel that the ATR policy is making it more difficult for them to achieve their goals for self-management.

Effectiveness of the Policy

- The Regional Additions Committees are generally satisfied with the policy and its procedures in handling additions proposals.

- The nature of the Regional Additions Committees (i.e., membership, frequency of meetings, existence of formal minutes, etc.) and the profile (who is responsible for implementing it) given ATR varies from region to region.

- From the point of view of the Department of Indian Affairs and Northern Development (DIAND), the ATR process is a long one; however, all steps are necessary. There is potential for streamlining the process by: modifying specific steps; combining some steps; or, undertaking some steps in parallel.

- Compliance is generally well done. In all regions, compliance was ensured through the Regional Additions Committees, the Regional Directors General, the Department of Justice, and the field officers. The number of "players" involved in reviewing the proposals varied from region to region.

- The costs of proposed additions are not known or well documented. The downstream costs to DIAND are of particular concern.

- To address the gaps in the policy, more specificity is needed to address the economic justification.

- In British Columbia and Québec, the use of a Licence of Occupation to address timeliness is raising concerns at Justice Canada over the potential legal implications for DIAND.

Impact of the Policy

- The specific claims route to add land is generally easier than adding land under other justifications.

- In general, there is concern that First Nations and claims negotiators may not fully understand the implications of the ATR policy on the implementation of claims settlements. The knowledge of the claims negotiators of the ATR process varied considerably and there is a danger that they give out misleading information to First Nations and raise expectations.

- Resolution of third party issues are a growing concern in Ontario, British Columbia and Saskatchewan.

- The addition of urban land to a reserve is usually more complex, time-consuming, and costly than an addition of rural land.

Effectiveness of Delivery

- Proposals for additions are handled consistently within regions regardless of the justification. However, the additions process itself may vary from region to region.

- The procedures involved in the greatest delays or difficulty in the additions process are:
  - the federal Order-in-Council (OiC);
  - the numerous checkpoints required by the provincial stakeholders; and,
  - the timeliness of the band itself in processing their tasks required under the ATR.

- There is potential for streamlining by:
  - streamlining specific steps through a (consultative) process involving all stakeholders; and,
  - sharing corporate wisdom and lessons learned (from successful ATRs) across the country.

- First Nations' awareness of the site-specific aspects of the policy varied from region to region and within a given region.

- Third party interests are a concern for First Nations and they generally feel that they need more guidance and financial help in resolving them.

- Clearer policy guidelines could, to some extent, help solve and/or expedite many contentious issues (e.g., compensation for municipal tax loss).

- Region-specific procedural guidelines, developed by regions, would be helpful to complement the policy.

- Environmental review procedures are generally done quickly, inexpensively and competently. Some minor concerns have been identified.

Recommendations

Therefore, we recommend:

Recommendation 1: *That the Director of Lands coordinate with regions to identify ways to reduce the time required for the ATR process.*

Recommendation 2: *That the Director of Lands convene an annual meeting to discuss Additions to Reserves issues. The agenda will include best practices for emerging issues (e.g., contaminated land), lessons learned, risk assessment, and other relevant information as needed. In addition, ways will be discussed on how to share this information (e.g., an electronic bulletin board).*

Recommendation 3: *That the Director of Lands coordinate with the regions to take steps, including the preparation of appropriate documentation, to inform:*

- *claims negotiators on the Additions to Reserve process, so that they communicate realistic information to First Nations on roles, responsibilities and time lines, and so that implementation of claims settlements can take place expeditiously;*

- *First Nations on the Additions to Reserve process and their role and responsibilities in the process to ensure they know what to expect;*

- *municipalities on the Additions to Reserve policy to ensure they are aware of the policy's implications for them; and,*

- *other affected parties.*

Recommendation 4: *That the Director of Lands coordinate with regions to take action to assist First Nations, municipalities and local authorities to resolve their emerging implementation issues. Possible actions could include the development of best practices and/or new approaches to address these issues, as well as ways to test the effectiveness of such approaches.*

Recommendation 5: *That the Director of Lands, in close collaboration with the regions, clarify the current policy in those areas that have been identified in the course of this evaluation as lacking precision.*

Recommendation 6: *In order that regions have data which will enable them to determine what actions they should take in advance to ensure they can meet departmental obligations resulting from increased reserve land base, that RDGs undertake to develop an initial five-year projection for their respective regions, to be updated annually, of:*

- *the human and financial resources required both to process anticipated additions to reserves and to administer these lands once added to reserves; and,*

- *the related increases in demands on all departmental sectors.*

And that RDGs undertake to advise the ADMs of both Lands and Trusts Services and Corporate Services sectors annually of their projections and the actions, if any, they propose.

Section 1 - Introduction

Introduction

The purpose of this study was to conduct an evaluation of the Additions to Reserves (ATR) Policy. The study was required to assess the performance of the policy and its continued relevance. Although the study was national in scope, particular attention was given to the three regions where the majority of the volume of additions has occurred to date; i.e., British Columbia, Saskatchewan and Ontario.

This evaluation study was conducted concurrently with the evaluation of Lands Management. The issues surrounding the management of First Nation lands and adding lands to reserves are particularly significant given the growing importance of Treaty Land Entitlements (TLEs) in Saskatchewan and Manitoba, comprehensive claims in the North and British Columbia (B.C.) and specific claims throughout the country. As a result, the demands of First Nations on the Minister of the Department of Indian Affairs and Northern Development (DIAND) to settle land issues are growing.

The objectives of this study were to look at the ATR policy from the standpoint of four main issues:

Issue 1: Relevancy of the Policy

- *Is the policy still relevant, especially in the light of current and projected land claims activity, increasing fiscal restraint, increased interest in urban reserves and the inherent right to self-government policy?*

Issue 2: Effectiveness of the Policy

- *How effective have the policy and its procedures been for regions, First Nations, and the public in dealing with reserve expansion?*
- *Have the regions complied with the Additions to Reserves Policy in exercising their delegated authority?*
- *What are the strengths and weaknesses of the current system?*

Issue 3: Impact of the Policy

- *What has been the main impact of the policy, in particular on claims implementation and in the creation of urban reserves?*

Issue 4: Effectiveness of Delivery

- *How effectively is the policy being delivered (environmental review considerations, etc.)?*

This review was undertaken by Goss Gilroy Inc. (GGI). The structure of our report is as follows:

Section 1 introduces the report and describes the approach of the study;

Section 2 describes the policy and current environment of the ATR process;

Section 3 presents the detailed findings related to the relevancy of the policy;

Section 4 presents the detailed findings related to the effectiveness of the policy;

Section 5 presents the detailed findings related to the impact of the policy;

Section 6 presents the detailed findings related to the effectiveness of delivery; and,

Section 7 presents our conclusions and recommendations.

Study Approach

As outlined in the Planning Report for the Evaluation of the Additions to Reserve Policy and reiterated in the Request for Proposal (RFP), our approach emphasized:

- a review of relevant documentation;
- interviews;
- site visits to three regions where much of the additions activity has taken place; i.e., Ontario, Saskatchewan and British Columbia (out of 75 additions approved by the regions between December 1, 1991 and September 30, 1994, 14 were in Ontario, 10 in Saskatchewan, and 21 in British Columbia)[1];
- a detailed review of selected additions to reserves files in each of the 3 regional offices visited in order to assess the extent of compliance with the requirements of the policy within each region. It is important to note that our proposal indicated that 2 case studies were to be done in each of the three regions. These case studies were to be extensions of a compliance review. However, upon examination of the results of our compliance reviews, the study team and the project authority mutually agreed that each of the compliance reviews actually contained enough material to represent a case study;
- a presentation of the preliminary findings to the project authority and the program managers at Lands and Trust Services; and,
- a workshop.

---

[1] Planning Report for the Evaluation of Additions to Reserves, T.K. Gussman Associates Inc., October 1995.

The key ***evaluation*** **activities** are described below:

1. Review of Relevant Documentation

A review was undertaken of all available reports and data already collected. Documents reviewed included background data (e.g., ATR statistics), relevant reports (e.g., the Planning Report for this evaluation, Chapter 9 of the Lands Manual, Treasury Board Authorities for Devolution, etc.), and regional documents (annual plans, files, etc.)

2. Interviews

This task entailed the on-site and telephone interviews of the stakeholder groups. Interviewees included:

- DIAND Headquarters (HQ)
  - Director General, Lands and Environment Branch
  - Chief, Land Entitlement and Registrar of Indian Lands Division
  - Manager, Land Management and Advisory Services
  - Manager, Policy and Legislation
  - Implementation Coordinator, Claims Implementation Branch

  A total of **6** individuals were interviewed at HQ.

- Regions
  - Regional Directors General/Associate Regional Directors General;
  - appropriate personnel in Lands and Trusts Services, Claims and Treaty Land Entitlements, and Corporate Service and Funding Services in all regions (Atlantic, Québec, Ontario, Manitoba, Saskatchewan, Alberta, British Columbia, Yukon and the Northwest Territories); and,
  - stakeholders affected by the policy in the three regions visited: First Nations (FNs) (including First Nation associations), municipal governments (rural and urban), and provincial governments and agencies.

  Regional interviews for those regions not visited were done by telephone. A total of **13** telephone interviews were carried out with the regions not selected for a site visit.

  The majority of the federal government interviews and some of the stakeholder interviews in the three regions were conducted in person. The rest were done by telephone.

- Regional Personnel in Other Federal Government Departments
  - Natural Resources Canada
  - Justice Canada
  - Public Works Canada

  The majority of these interviews were conducted over the telephone.

- Site Visits

During the site visits to Ontario, Saskatchewan and British Columbia, there were approximately **20** interviews conducted in Ontario, **27** in Saskatchewan, and **26** in British Columbia for a total of over **70** interviews.

3. Detailed Regional Compliance Reviews

In each of the three regions visited, 10 addition files were selected for a compliance review. The sample selection of the 10 files was done by each regional office according to the criteria set out in the RFP. The compliance reviews were conducted during the regional visits.

4. Presentation of Preliminary Findings

Once the interviews and site visits were completed, a brief report of preliminary findings was presented to the project authority and senior program personnel. The purpose of this presentation was to obtain DIAND management perspectives before drafting the final report.
As a consequence of this presentation, it was decided (by the project authority) to add a workshop with DIAND regional and HQ personnel to this evaluation study.

5. Workshop

The workshop was held over a period of 2 days in Ottawa. In attendance were: regional DIAND officials working with the ATR policy, Headquarters (HQ) officials, a negotiator from Claims West, representatives from Audit and Evaluation Branch and the study team. All regions, with the exception of the Yukon and the Northwest Territories (NWT), were represented. A total of **21** individuals attended this workshop over the 2-day period.

During the first day, the study team presented an overview of their evaluation findings and workshop participants heard from a senior policy advisor on the clarification of criteria for assessing tax loss compensation offers. After this, the workshop was split into two groups to discuss the issues most important to them. The two groups then reconvened to report on each group's findings. The final session of the workshop was spent on discussing and drafting: actions and recommendations for improving the implementation of the policy; and, an Action Plan for in-depth discussions with First Nation stakeholders in the regions.

6. Data Analysis and Synthesis of Results

A complete analysis of all the data obtained from the detailed regional compliance reviews, the interviews, the field trips to Ontario, Saskatchewan and British Columbia, the workshop, and other data sources was completed by the project team.

Our detailed findings and conclusions are presented in sections 3 through to 7 of this report.

Section 2 - The ATR Policy and Current Procedural Environment

The Additions To Reserve (ATR) Policy

Description of the Policy

The Additions to Reserves Policy governs the authority to expand reserve lands and create new reserves. The current policy, which underwent its most recent revision in 1991, involves two main elements for decision-making. The first concerns the identification of policy justification for reserve status. There are nine potential justifications for adding to reserve lands. They are:

1. **Treaty Land Entitlement (TLE)/Specific Claims and other Obligations:** land is added to a reserve, or a new reserve created, where the department recognizes a lawful obligation to do so in satisfaction of a treaty or land claim settlement, other legal obligations (e.g., court order) or where there is a specific ministerial commitment mandated and resourced on a case-by-case basis.

2. **Provincial Land Offerings:** The province has an interest in offering land to a band which then wants to add to reserve. These additions are considered under specific circumstances - to facilitate a land claim settlement between a province and a claimant band or for social/economic purposes.

3. **Section 35 Expropriations/Transfers:** Reserve status is granted to lands which are provided in exchange for reserve lands expropriated or transferred under Section 35 of the *Indian Act.*

4. **Return of Unsold Surrendered Land:** Consideration is given to granting reserve status to unsold surrendered land which is either contiguous or non-contiguous to the reserve. However, these additions are generally considered on a case-by-case basis depending on the circumstances.

5. **Social Need:** Land may be added for community purposes (i.e., the land will serve the members of the band as a community) such as housing, schools, churches, burial grounds, recreational areas and community buildings.

6. **Geographic Reasons:** Relatively small parcels of land (contiguous or near) are added to enhance the physical integrity of the reserve.

7. **Relocations:** Reason for granting reserve status based on emergency situations (e.g., natural disaster) or other circumstances (e.g., restricted reserve development) which necessitate the relocation of a reserve community from its existing site.

8. **Economic Reasons:** Land will not be added under this justification if the economic benefit could be substantially achieved under another form of land tenure. In addition, the tax advantage associated with reserve status is not in itself sufficient justification for reserve status under economic reasons.

9. **Landless Bands/Landless Indian Communities:** Requests to add lands under this justification are considered on a case-by-case basis and in accordance with specific criteria outlined in the policy.

Once a proposal for an addition has been assessed as satisfying one or more of the above policy justifications, the second element of decision-making involves site-specific considerations; i.e., a proposal is considered in light of a number of factions including:

- the results of an environmental review;
- consideration of all short and long term financial implications and that the source of all necessary funds can be identified within existing, approved, regional budget allocations;
- satisfaction of a cost-effectiveness test;
- that title to the land is free of all encumbrances;
- that necessary arrangements for public access have been arranged;
- consideration of implications for other federal departments affected by the proposed acquisition;
- effort is made to ensure that the acquired land forms contiguous parcels and follows natural water boundaries;
- that the band is aware of any sub-surface rights excluded from the title; and,
- other potential impacts on the economic self-reliance of the band.

In addition to these general considerations, written consultations must take place to address the concerns of the relevant province and the affected rural or urban municipality. Issues most often need addressing include: compensation for a municipality's tax loss; provision and payment for municipal services; by-law application and enforcement on reserve; and, the consultative process for matters of mutual concern.

Roles and Responsibilities

With the delegation of responsibility for administration of the policy to the regions in 1991, activity within HQ has been reduced significantly. An HQ Additions Committee reviews those submissions referred by regions which either fall outside the policy guidelines or exceed regional budgets. The committee also reviews and provides advice on new band proposals and unresolved municipal objections.

Within each region, an additions committee reviews proposals and makes recommendations for Regional Director General approval-in-principle according to the steps outlined below in *The ATR Process* section. In Saskatchewan, District Offices provide front-end support to First Nations requesting additions to reserve lands and help facilitate the consultation process between First Nations and provincial and municipal governments.

Other key stakeholders include:

First Nations (FNs)

A Band Council Resolution (BCR) is required to formally initiate the process of adding land to reserve or creating a new reserve. The onus is usually on the First Nations to ensure that proposals are complete and satisfy policy guidelines. Although it is left up to First Nations to consult with affected third parties to resolve mutual concerns, the extent to which FNs are responsible for negotiating with third parties remains unclear.

Other Federal Departments

Regional offices of three federal departments also play a role in adding land to reserve:

- Natural Resources Canada (NRCan) conducts the legal surveys for land acquisitions;
- Justice Canada (DOJ) searches titles for land acquisitions, review property documents, offer opinions on service agreements, and support specific claims and treaty land entitlement negotiations and implementations; and,
- Public Works and Government Services Canada (PWGSC) carries out land appraisals (In Ontario, PWGSC also carries out the environmental reviews.).

Finally the Treasury Board Secretariat is responsible for the approval of funding of land acquisitions in excess of current stated authorities.

Provincial Governments and Agencies

The policy provides for provincial land offerings under land claims for social/economic purposes subject to site-specific considerations. The costs associated with the transfer or planned development of such land are borne by the province. Provincial ministries or agencies which may be involved include: transportation and highways ministries, public utilities, heritage departments, energy, mines, and other natural resources ministries, and environment departments. In some provinces, a single agency (e.g., the Saskatchewan Indian and Métis Affairs Secretariat) coordinates the canvassing of the other provincial departments.

Urban and Rural Municipal Governments

The policy requires that written consultation occur with urban and rural municipalities within whose boundaries the proposed land addition is located. In Saskatchewan, municipalities belong to a provincial association (the Saskatchewan Association of Rural Municipalities or SARM and the Saskatchewan Urban Municipalities Association or SUMA) to lobby for standardized approaches to issues of mutual concern. In British Columbia, irrigation districts also have concerns (e.g., what will happen to water rights after land has been added to reserve) about the location of reserve lands.

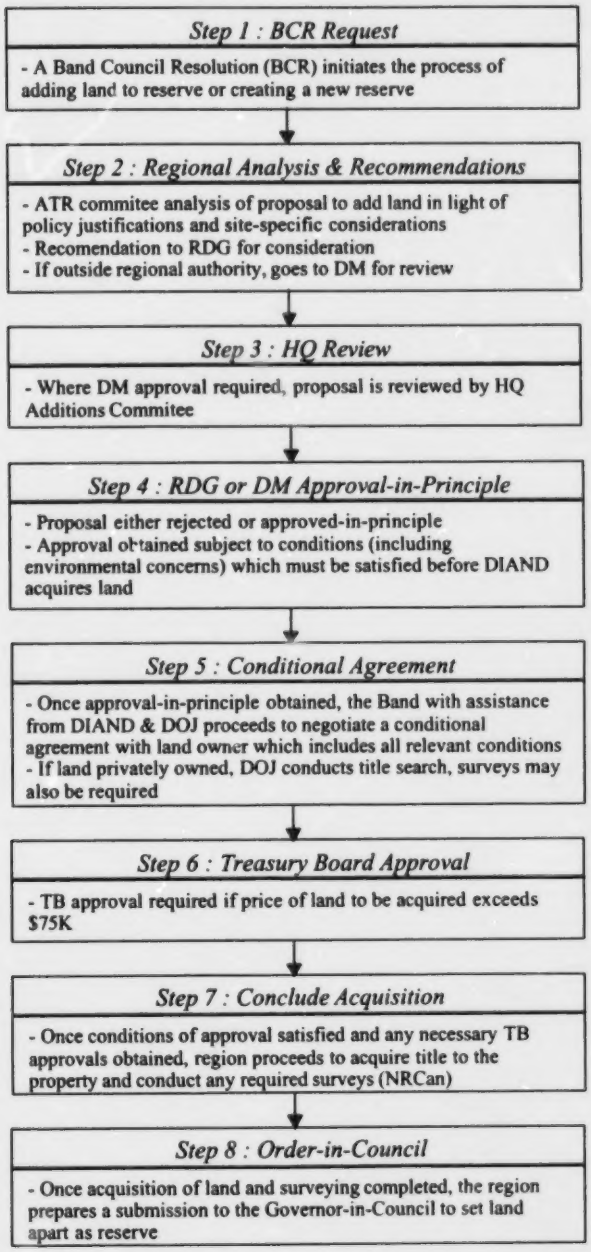
Third Parties

These may include the public, private landowners, occupants and owners of land adjacent to the proposed addition, and owners of sub-surface mineral rights or forestry rights who will require subsequent and continuing access across the added land.

The ATR Process

The process of acquiring land for an addition to a reserve or a new reserve is a systematic, step-by-step process. Procedures may vary slightly depending on whether the land to be acquired is federal land under DIAND's control, federal land under the control of some other department, provincial Crown land, or land which is privately owned.
Figure 1 below illustrates the main procedural tasks involved in the ATR process. Within each of these steps, there are a number of smaller steps, all of which must be completed before going on to the next. It is important to note that this is a generic representation only and that there are regional variations in terms of the how the process is implemented and in the nature and order of the tasks to be completed.

Figure 1 : The ATR Process


Step 1 : BCR Request
- A Band Council Resolution (BCR) initiates the process of adding land to reserve or creating a new reserve
Step 2 : Regional Analysis & Recommendations
- ATR commitee analysis of proposal to add land in light of policy justifications and site-specific considerations
- Recomendation to RDG for consideration
- If outside regional authority, goes to DM for review
Step 3 : HQ Review
- Where DM approval required, proposal is reviewed by HQ Additions Commitee
Step 4 : RDG or DM Approval-in-Principle
- Proposal either rejected or approved-in-principle
- Approval obtained subject to conditions (including environmental concerns) which must be satisfied before DIAND acquires land
Step 5 : Conditional Agreement
- Once approval-in-principle obtained, the Band with assistance from DIAND & DOJ proceeds to negotiate a conditional agreement with land owner which includes all relevant conditions
- If land privately owned, DOJ conducts title search, surveys may also be required
Step 6 : Treasury Board Approval
- TB approval required if price of land to be acquired exceeds $75K
Step 7 : Conclude Acquisition
- Once conditions of approval satisfied and any necessary TB approvals obtained, region proceeds to acquire title to the property and conduct any required surveys (NRCan)
Step 8 : Order-in-Council
- Once acquisition of land and surveying completed, the region prepares a submission to the Governor-in-Council to set land apart as reserve

Source : Chapter 9, Lands Manual

For example, in Ontario, ATR is implemented by a dedicated group within Lands and Trusts Services (LTS), while in British Columbia the implementation of the ATR policy is vested in the Area Managers, both for Funding Services and Land and Trusts Services. Responsibility for individual files is in the hands of Funding Services Officers and Land Management Officers, working under the Area Managers. ATR is just one of many priorities for these officers.

In Saskatchewan, almost all additions activity is a result of the TLE and Specific Claims settlements. Under the Saskatchewan Final Framework Agreement (FFA) signed by 26 First Nations in 1992, Schedule 6 (rather than Chapter 9 of the Lands Manual) specifies the manner in which land is added to reserves. The same site-specific criteria apply (including the environmental review) but policy justifications other than the negotiated settlement are not relevant. Settlements under TLE could involve additions to reserve of approximately 1.6 million acres. The FFA has a 12-year time frame extendable to 15.

In British Columbia, the process is two-tracked; i.e., the Region makes an important distinction between additions to reserve that are socially oriented (capital projects), and additions to reserve that have a legal or policy rationale (land projects). Capital projects (primarily for residential housing) are managed by Funding Services Officers (FSOs) and require at the outset a Feasibility Study. Each of these tracks has a specific set of steps to follow.

As with any step-by-step procedure, delays can and do occur. In examining the detailed compliance reviews, it is obvious that delays are problematic throughout the process. Although two years was cited in documents as being ideal for an ATR (1.5 years for a TLE addition), five years or more appears to be the norm for the completion of an addition to reserve. In British Columbia, lengthy delays are affecting the First Nation community planning process. First Nations interviewees indicated that the process was so long that by the time one reached the end, the need for houses had grown beyond what was initially planned for at the outset.

Step 1 can be a source of delay if: the BCR does not contain the relevant information; the Band Council changes; or, there is no one person from the band actively pushing the proposal forward. Step 2 can be a source of delay if the additions committee does not have enough information to make a recommendation for approval-in-principle. This was mentioned as a problem in the B.C. Region. Once approval-in-principle has been granted (Step 4), serious delays can occur in satisfying the conditions, in particular the environmental concerns. Delays can occur in Step 5 if: it is not the right time of year (i.e., surveys are generally not done in the winter) to conduct the survey; all third party interests are not met; or Justice encounters problems in providing a timely response to the request for a title search. Delays can occur in Step 7 if Natural Resources Canada is not timely in conducting their survey. Delays can occur in Step 8 if the Order-in-Council needs redrafting or there are delays in passing it due to workload.

In interviews and through our detailed compliance reviews, we noted the following:

- In B.C., the NRCan survey and Justice Canada's participation (Step 7) in the process are the two main sources of delay for the region;
- In Alberta, the final step (Step 8) was a significant source of delay for ATRs for that region; and,
- In southern Ontario and Saskatchewan, the resolution of third party interests (Step 5) is a major source of delay.

Summary of ATR Activity to Date

Between December 1, 1991 and September 30, 1994 [2], there were 75 additions approved by the regions: Atlantic -1, Québec -11, Ontario - 14, Manitoba - 10, Saskatchewan - 8, Alberta - 10, and British Columbia - 21. Table 1 below summarizes the number of acres actually added since 1991 as well as the projected activity by region.

[2]During this period, the regions were required to sent quarterly Approvals-in-Principle reports to HQ. This practice was discontinued after September 30, 1994.

Table 1: Summary of Additions Activity by Region[3]

Region	# of Acres Added	Main Justification (s)	Current and Projected Additions Activity
Atlantic	500	**social**: orderly community development	5000 acres planned in the next 20-25 years
Quebec	--	**social** and **unsold surrendered land**	approximately 20 proposals in planning phase
Ontario	774	**geographic need:** unsold surrendered land, land exchange, provincial land offering, ministerial commitment	62,000 acres (21 Approvals-in-Principle) 250,000 acres planned
Manitoba	30,500	**Treaty Land Entitlements** and **specific claims**	6 claims totaling 251,000 acres
Saskatchewan	7,000	**Treaty Land Entitlements**	1.6 million acres under TLE 100,000 acres purchased as a result of specific claims project another 100-150,000 acres in specific claims
Alberta	102,000	**Treaty Land Entitlements**: lawful obligation	another 120,000 acres under claims activity
British Columbia	430	**Social** (residential housing) and **legal/policy** (e.g., Section 35 lands)	141 proposals being processed (usually small parcels of land) comprehensive claim of 2,000 square kilometres of land ($100M) just negotiated overlapping claims covering 110 per cent of total area of B.C.
Yukon	2.5	**Comprehensive Claim**	120 acre addition under consideration
Northwest Territories	N/A	N/A	1 proposal is under consideration

Sources: T.K. Gussman Associates Inc., *Planning Report for the Evaluation of Additions to Reserves*, October 1995, and interviews with regional DIAND officials.

[3]Information current to February 1996.

Section 3 - Detailed Findings: Relevancy of the Policy

Issue 1: Is the policy still relevant, especially in the light of current and projected land claims activity, increasing fiscal restraint, increased interest in urban reserves and the inherent right to self-government policy?

Findings

The discussion below presents our detailed findings related to the relevancy of the policy. Our findings are based on a review of documents, interviews, site visits, and the workshop. Although our findings are national in scope, more detailed findings were made available during our site visits. The sub-headings reflect the main topics discussed during our interviews and data collection.

Emerging Issues Which the Policy Does Not Address

Interviewees at HQ and in the regions identified a number of emerging issues which are not being adequately addressed by the ATR policy. At this point it is necessary to point out that, from DIAND's point of view, there are two types of issues; i.e., those issues which are policy issues *per se* and those which arise in implementing the policy. Emerging issues differed both in nature and in importance depending on the region. Briefly:

HQ

The majority of HQ interviewees indicated that municipal tax loss compensation was an important emerging policy issue which was not adequately addressed by the ATR policy. Currently the policy states that "where the First Nation and the municipality agree on a level of compensation, the department will not interfere with the agreement and, if all other aspects of the policy are met, the addition will proceed". Further, the policy states " that where the First Nation and the municipality fail to agree on a level of tax loss compensation, the Deputy Minister may nevertheless approve the addition if the First Nation's best offer was 'reasonable' in all circumstances". However, the policy has no guidelines on how this determination is to be made.

Recently the Senior Policy Committee agreed to add to the policy a set of criteria for determining this issue. Rather than setting a formula (e.g., five times or twenty-two point five times net tax loss as set out in the TLE Agreement and sought in Saskatchewan for non-TLE situations as well), these criteria look at the particular circumstances of each proposal on a case-by-case basis.

Other emerging policy issues identified by interviewees include:

- reserves held by more than one band; and,
- use of the economic justification.

In addition, interviewees identified the following emerging implementation issues:

- sub-surface rights versus surface rights; and,
- situations where long-term environmental risk is high.

Site Visits

Ontario Region:

Results of the compliance reviews and interviews in the Ontario region identified a number of emerging issues which were not being adequately addressed by the policy.
From the point of view of the municipalities, the following were the key emerging issues:

- the need for compensation to address the resultant municipal tax loss as a result of land being added to a reserve;

- the assurance that band by-laws and enforcement were compatible with those of the municipality; and,

- the need to put in place an agreement to provide services (water, sewer, access, etc.) to the land being added.

For DIAND, the key emerging policy issue not adequately addressed by the policy was the use of the economic justification. This justification raises concerns about the avoidance of taxation and about competition with established local businesses.

Saskatchewan Region:

Interviewees with the various stakeholders and the results of compliance reviews in the Saskatchewan region identified a number of emerging implementation issues associated with additions to reserves in Saskatchewan.

For the municipalities, which are represented by SUMA and SARM, the resolution of the municipal tax loss issue is key. For rural municipalities in particular, the loss of municipal taxes affects their ability to maintain roads. Municipalities would prefer to see arrangements similar to those entrenched in the FFA apply to all cases in the province.

For the Federation of Saskatchewan Indian Nations (FSIN), which represents the Saskatchewan First Nations in land issues, the key emerging issues not adequately addressed by the policy are:

- timely resolution of third party issues (e.g., water rights, power utility rights of way, etc.): Where such third party rights exist, the provincially granted right is usually replaced by a federal right at the time of transfer to reserve. Or, the right may remain within provincial jurisdiction and "excepted" from the transfer. How the third party right should be specifically dealt with is not always clear and often requires research, a legal survey, and other steps. This only adds to the time it takes to transfer a parcel of land. In Saskatchewan, some third party interests have proven very difficult to resolve; and,

- surface access including issues related to minerals: Under the FFA, First Nations may now purchase subsurface rights as well as surface rights. However, problems of access arise when these lands are already held by a third party.

British Columbia Region:

In British Columbia, DIAND interviewees and the results of compliance reviews indicated that the most significant emerging issues not adequately addressed by the policy are:

- the economic rationale for additions of lands to reserve: Bands are pushing to add lands to reserve status, primarily, if not solely, for economic reasons (i.e., add lands that have significant economic potential which, in turn, enable decreased taxation of Aboriginal persons). This is not allowed under the ATR policy; and,

- competing and overlapping land claims: It is important for the Region to ascertain that proposed ATRs do not conflict with competing and overlapping land claims settlement of two of more First Nations.

However, there are emerging issues in the region which are not policy issues but nevertheless are significantly affecting the implementation of the policy in British Columbia. These include:

- natural resources (merchantable timber, mineral rights): The Department does not have the resources to buy merchantable timber and this is affecting the purchase of land for an addition to a reserve which includes marketable timber assets. The band also cannot meet the price of the merchantable timber and the province will sell the land only after the timber has been cut down and removed. This has led to several serious problems in the region and, in fact, a recent additions process has come to a complete halt over this issue.

With regard to mineral rights, one band saw their addition stalled when the provincial government granted tenure rights to a mining company for mineral rights located beneath the surface of the proposed land. The First Nation had to buy out the company's tenure for over $10 million, a high cost to the taxpayers of British Columbia and Canada; and,

- surplus federal crown property: In British Columbia, there are a number of closed military bases which bands would like to have added to reserve land. There are obvious environmental concerns related to such land and the policy is adamant about the addition of land which is contaminated. Given the housing pressures on the bands and the lengthy processes involved in cleaning this land, the timeliness of adding the surplus Department of National Defence land is greatly affected.

A provincial interviewee indicated that, from the point of view of the province, there were two issues affecting the implementation of the policy. These include:

- problems encountered with land that was once free and clear but now has encumbrances in the form of land tenures granted to third parties (Canada does accept utility company rights of way over reserve land): It is an expensive process to clear these third party tenures (Canada prefers tenure agreement to be terminated and a new agreement drawn up). Bands tend to raise the rights of way fees (based on the market value of the land) which forces the utilities to pay much higher rates; and,

- land that is virtually certain to be added but not yet transferred to the federal government: The province has some legal and liability concerns related to the Licence of Occupation[4] which allows the band to start clearing the land ahead of the transfer.

From the point of view of municipalities, a small number of interviewees indicated that the policy needs to be clearer; for example, what does a municipality do when a band fails to live up to its agreement with the municipality (according to one interviewee, this has already happened)?

Other Regions

Interviews with DIAND officials in the other regions indicated that, with the exception of the Manitoba region, there were no particular emerging issues identified. In Manitoba, there were two main emerging issues that were not being adequately addressed by the ATR policy. They are:

[4]A provincial Licence of Occupation permits the band to start clearing the land for their housing project before the land is transferred to the federal government. The Licence contains a clause which effectively says that after a period of time (usually 2 years), the land must be returned to its original state; i.e., any structures built on it should be razed.

- unclear guidelines on municipal tax loss compensation: Compensation for a municipality's tax loss should have a checklist like the environmental review; and,

- the creation of new bands/new communities: These involve large tracts of land and require good detailed guidelines.

However, it is also important to note that most of the land being added in Manitoba is being done so under a specific claim or a TLE.

Impact of Fiscal Restraint on the Number and Type of Proposal

HQ

It was difficult for interviewees at HQ to comment on the impact of fiscal restraint on the number and type of proposals. For one thing, there has been little additions activity done at HQ since 1991 (when the responsibility for implementing the policy was delegated to the regions) and secondly, with the stopping of quarterly regional additions reports in 1994, there is no longer any tracking of proposals done at HQ.

Site Visits

Ontario Region:

In Ontario, regional DIAND interviewees indicated that fiscal restraint has reduced the number of purchases of urban land.

Saskatchewan Region:

Regional DIAND interviewees indicated that, although fiscal restraint is not currently an issue, it could become one if it prevents a sufficient level of resources to be applied to transferring lands under the FFA. As already indicated, a very large effort will be required, involving not only DIAND but Justice, Natural Resources Canada (NRCan)), and perhaps other departments federally. It will also involve several Provincial departments, the Federation of Saskatchewan Indian Nations (FSIN) and the First Nations. A lack of staff and funding among many of these key stakeholders could mean substantial delays in the transfer of lands.

British Columbia Region:

Results of interviews in the B.C. region indicated that, due to the high cost of urban land and the issue of natural resources in the province, there is evidence that fiscal restraint:

- as in Ontario, has reduced the number of purchases of urban land;

- has reduced the number of additions to reserve of non-contiguous lands, given the servicing costs to tie into the existing system (fire, water, services);

- has reduced the volume of additions to reserve relating to "merchantable timber"; and,

- may have been a contributing factor to the highly decentralized manner in which the Region is carrying out its ATR workload; however, decentralization itself is a product of generalization of job descriptions and workload constraints.

Other Regions

Fiscal restraint was identified by regional DIAND interviewees as having an impact on the number of ATRs in two other regions. In Québec, as it is the department that buys the land that is added to reserve, it is difficult at times to find the funds to make the purchase. In Manitoba, fiscal restraint was impacting on the timeliness of the ATR process; in particular, those steps involving Natural Resources Canada (NRCan), Justice and the provincial survey branch.

Provision of Sufficient Guidance for Proposals for Urban/Rural/Contiguous/Non-Contiguous Lands

HQ

In the opinion of HQ interviewees, in terms of implementation, the distinction between urban/rural/non-contiguousadditions is not an issue for HQ. What is important is important for all additions; i.e., "good neighbourliness" (site-specific issues, third party situations, and, municipal and provincial issues must be dealt with and resolved) and "reasonableness" of costs. Further, First Nations generally know what is allowable under the policy no matter what the nature of the addition.

However, it is important to note that the addition of urban land has considerable impact on service provision by the municipality. In addition, the high cost of urban land in some regions (e.g., B.C.) makes this type of addition more expensive. Similarly, the addition of rural non-contiguous land results in a heavy demand for all kinds of services and consequently higher costs for the municipality.

Site Visits

Ontario Region:

The problems encountered in Ontario with the use of the economic justification on additions proposals indicates that there is a lack of clarity in the policy as to what is permissible under this criterion. This has led to frustration on the part of DIAND as well as the First Nations.

Saskatchewan Region:

With respect to whether the policy provides sufficient guidance, the study team found that the ATR policy process, as stated in Chapter 9 of the Lands Manual, has, in a practical sense at this time, been largely overshadowed by the Saskatchewan Treaty Land Entitlement Agreement of September 22, 1992 (the FFA). Saskatchewan's ATR work is currently dominated by TLE land activity which falls under Schedule 6 of the FFA. Schedule 6, with its tri-partite acceptance criteria, provides a modified, and reportedly, more streamlined version of the ATR process for transferring lands to First Nations.

It was found that the degree of difficulty per specific claim varied from case to case, with some differences among urban, rural, non-contiguous and northern community cases. However, it is difficult to make any general statements concerning which types of cases were easier or more difficult.

British Columbia Region:

Results of interviews with DIAND officials indicated that, in their opinion, the ATR policy provides sufficient guidance to proposals requesting the addition of urban land to reserves, as well as the addition of non-contiguous land to reserves.

In the opinion of First Nations interviewees, the guidance has not been adequate (nonexistent in the opinion of some); particularly with regard to the issue of the standing timber (in their opinion, the federal government has not helped the band in any way with this issue). FNs would like to see the federal government provide better assistance in dealing with the province in such matters.

It was found during our interviews with municipal officials that they were not that aware there was an ATR policy (even if they have gone through the process). Municipal interviewees indicated they would like to be provided with copies of the policy in order that they are better informed prior to going into negotiations with a band. Municipalities have very few funds available to hire lawyers and consultants to advise on the negotiations process.

Other Regions

In the opinion of most of the DIAND interviewees, the policy provides enough guidance to all proposals. In Manitoba, there was a mixture of feelings towards the policy's ability to guide proposals. On the one hand, the flexibility of the policy is a plus, while on the other hand, there are cases where clearer guidelines are needed. In particular, interviewees felt that urban additions require more detailed guidelines than rural additions. This was supported by DIAND officials in Alberta who indicated that any addition involving urban land would be more complex in that there are many more hurdles to clear; in particular, the environmental review.

In the Yukon and the Northwest Territories, all land is federal crown land and land is either added through a specific claims settlement or is set aside for the benefit of a First Nation. In the opinion of DIAND interviewees in the two regions, the policy's guidelines do not fit the "model" for adding land in the North.

ATR Policy and Inherent Right to Self-Government

HQ

The majority of HQ interviewees indicated that, in their opinion, the ATR policy does not conflict with the inherent right to self-government. However, interviewees did recognize that First Nations may not agree with this view.

Site Visits

Ontario Region:

From interviews with First Nation personnel, and others with knowledge of First Nation perceptions of the policy, it can be said that First Nations vary considerably in their view of the relevancy of the policy in terms of how they manage their own affairs.

On the one hand, First Nations which had negotiated the transfer of lands via the specific claims process, or some other process which implies a clear government obligation to provide lands, view the ATR process as a series of final steps in the transfer of the negotiated lands, and are relatively sanguine about the process. They view it as a necessary, if somewhat cumbersome, adjunct to the claims process. Their attitude reflects the virtual certainty of obtaining the lands which they have negotiated.

On the other, the time it takes to actually move the lands through the ATR process and complete the transfer to reserve can still be a source of significant frustration. This is particularly true for First Nations adding new land without any prior government commitment or obligation to transfer such land.

Saskatchewan Region:

The FSIN, as the representative of the First Nations, said that the policy was helpful in terms of managing their own affairs; however, they indicated that any changes to the policy required explicit FN involvement. The FSIN spokesperson went on to indicate that First Nations needed more of an "ombudsman" approach to solving problems. This would help them achieve their goals along with setting annual targets; i.e., the number of acres to be added to reserve per year.

British Columbia Region:

In the view of the DIAND interviewees, the ATR policy does not conflict in any way with the inherent right to self-government. However, in the opinion of the First Nation interviewees, the policy does hinder what they are trying to do in terms of self-management. In particular, First Nations want economic development. In addition, they need economic assistance to extract natural resources.

Other Regions:

In general, DIAND officials in the other regions felt that the policy did not compromise the inherent right to self government. However, there was recognition on the part of DIAND that the First Nations may find the ATR process a hindrance to what they want to do. The main reason for this is that the process is far too long; e.g., FNs may have business plans they want to put into place and by the time they can, the plans are no longer valid.

Summary of Findings

In summary, the study team found that:

- Looking at the addition activity since 1991 as summarized in Table 1, the number of acres that have been added to reserves since 1991 has been relatively insignificant given the number of acres being proposed for addition. The situation in Saskatchewan is particularly noteworthy as only 7000 acres out of a proposed 1.6 million acres[5] have been added.

- The policy does not adequately address:
  - municipal tax loss compensation;
  - the economic rationale (amongst the workshop participants, no one could recall a case of land being transferred to reserve using this criterion); and,
  - competing/overlapping land claims.

- In implementing the policy, the following are not adequately addressed:
  - resolution of third party issues (access for private landowners, utilities, etc.), including surface access to sub-surface rights (e.g., mineral rights, oil and gas); and,
  - compatibility with municipal by-laws and related enforcement.

  In addition, results of the workshop indicated that there were another three key emerging issues; i.e.:

  - the policy did not adequately address reserves held jointly by more than one band; and,

[5]Under the terms of the FFA, the 1.6 million acres needs to be added by the year 2004 (extendable to 2007).

- in implementing the policy, significantly contaminated land and the net incremental costs to a region in the longer term as the result of an addition were not being adequately addressed.

- There are a small number of emerging issues, although not policy issues *per se*, that are also affecting the additions process; e.g., merchantable timber in British Columbia and surplus Crown property.
- There is evidence of fiscal restraint impacting on the additions process in two of the regions visited. For example:

  i) In Ontario, fiscal restraint may be impacting on the addition of urban land.

  ii) In Saskatchewan, the consultants believe that fiscal restraint may limit future ATR staffing resources which will create a backlog of additions proposals waiting to be processed.

  iii) In B.C., fiscal restraint may be impacting on:
  - addition of urban land: the market value of urban land in B.C. is so high, that very little, if any, urban land has been added to a reserve;
  - the number of additions of non-contiguous lands, given the costs of servicing them; and,
  - on the decentralized way in which the ATR policy is delivered.

  Workshop participants added that, in fact, fiscal restraint is affecting the amount of urban and non-contiguous land added across the country, not just in B.C. and Ontario. Further, participants indicated that non-contiguous land is generally not granted reserve status unless it is a new band/new reserve situation.

- In general, the policy provides most DIAND regional offices adequate guidance for implementation. However, the policy is less relevant for the Northwest Territories and the Yukon. The degree of difficulty encountered by a region to add urban versus rural non-contiguous land under the policy differs from region to region and from case to case. This was confirmed by the workshop participants.

  For municipal and First Nation stakeholders, the guidance provided to them during the process appears to be less than adequate. For example, workshop participants said that, although the policy states that FNs contact third parties, it does not contain the "how" for First Nations in dealing with third party issues.

- Some First Nations feel that the ATR policy is making it more difficult for them to achieve their goals for self-management.

Section 4 - Effectiveness of the Policy

Issue 2: ***How effective have the policy and its procedures been for regions, First Nations, and the public in dealing with reserve expansion?***
Have the regions complied with the Additions to Reserves Policy in exercising their delegated authority?
What are the strengths and weaknesses of the current system?

Findings

The discussion below presents our detailed findings related to the effectiveness of the policy. Our findings are based on a review of documents, interviews, site visits and the workshop. Although our findings are national in scope, more detailed findings were made available during our site visits. The sub-headings reflect the main topics discussed during our interviews and data collection.

Satisfaction of Stakeholders (First Nations, Municipalities and the Province) With the Policy and its Procedures

HQ

From the point of view of HQ interviewees, the Regional Additions Committees have worked quite well. However, there are regional differences in terms of application of the policy and the degree to which other programs are involved.

Interviewees generally agreed that the ATR process is a lengthy one especially from the point of view of First Nations and municipalities. However, given what is involved in the transfer of a piece of land, it is impossible to eliminate any of the steps. What is possible is perhaps better management of the various steps; e.g., could look at performing some of the steps simultaneously.

Interviewees generally felt that review procedures in place in each region are consistent and in line with the policy.

Site Visits

Ontario Region:

The effectiveness of the policy can be looked at from the respective points of view of the First Nations and the Federal Government. First Nations want to add land to their existing land base for a variety of reasons, both historic and current. What is relevant from a First Nation perspective is whether the policy in fact helps to do this, and if so, how quickly. The First Nation is concerned with the time-line between needs identification and needs fulfilment; i.e. "Does the policy in fact deliver land in an efficient and timely manner?"

The Federal Government must be aware of the purpose of the land transfer and its downstream effects. From the case files reviewed and from interviews, cases appeared to move relatively smoothly if:

- there was a specific claims based on legal or constitutional obligation with respect to a reserve;
- a Ministerial commitment had been made;
- the province was willing to make land available; or,
- expropriated or surrendered land was being returned.

Cases did not appear to move as smoothly if lands with no previous connection with a reserve were at issue. This was particularly true for those cases involving lands to which a First Nation had no historic claim and which the First Nation wished to incorporate into a reserve for "economic reasons".

There was substantial evidence that cases, in which stakeholders did their "homework" and were able to turn documents around quickly, got considerably more attention and, consequently, were moved through the system more quickly than others. The case cited as having moved through the system most rapidly (2.5 years) was one in which a full time consultant was engaged to provide documentation and to keep track of progress. Cases which did not move quickly were often those which were poorly or incompletely documented at the outset, or in which First Nations did not respond expeditiously at a critical stage such as the signing of a legal survey map.

A spokesperson for an Aboriginal group mentioned the complexity of the required documentation. Some First Nations find the documentation difficult to understand and may refuse to work with it. A suggested remedy was that the Department provide a key to the document which clearly identifies what First Nations have to fill in versus what the government must do. In their opinion, if First Nations understood that they were responsible for only a relatively small part of the documentation required for an addition, they would probably not object as much.

Saskatchewan Region:

In Saskatchewan, the top priority of both DIAND and the FSIN is to significantly increase the amount of land transferred to reserve status in the next 2 to 3 years. If significant volumes of land are not moved during this period, there is a danger of a large, difficult-to-move backlog accumulating during the later years of the FFA.

With respect to satisfaction with the policy and its procedure for handling additions, members of the Additions to Reserves Committee (ARC) are reasonably satisfied with both the TLE and specific claims frameworks. However, they acknowledge that much work needs to be done with respect to the speed of implementation under the FFA.

FSIN interviewees generally felt the process underlying the transfer of TLE land is improving. However, attention needs to be brought to bear on bottleneck problems. FSIN felt the process could be streamlined with a concerted multi-stakeholder approach to the resolution of the various issues, particularly third party issues. It has flowcharted all key activities underlying an additions proposal. This included the delineation of the time required by DIAND, the province and the First Nation to complete each activity. What FSIN has done would appear to permit the setting of benchmark times for the completion of each task and the development of an accountability framework for the TLE process.

Municipal interviewees, on the other hand, agreed that the process was initially long but this was mainly due to the fact that municipalities were generally not well informed about the ATR process. Consequently, urban municipalities in Saskatchewan have banded together under an umbrella group, the Saskatchewan Urban Municipalities Association or SUMA, to formalize procedures for dealing with bands and service agreements with municipalities. Similarly, rural municipalities work with bands through the Saskatchewan Association of Rural Municipalities or SARM. Although the interface between First Nations and municipalities appears to be improving, SARM would like to see the resolution of the municipal tax loss issue which arises out of the transfer of lands via specific claims. It would prefer to see arrangements similar to those entrenched in the FFA apply to all cases in the province. In the case of transfers of rural lands, this would mean the application of a formula similar to the 22.5x municipal tax loss compensation formula. In the case of urban specific claims cases, it could mean the negotiation of agreements similar to the Saskatoon and Fort Qu'Appele agreements.

For the purposes of ATR activity, the province works through its Saskatchewan Indian and Métis Affairs Secretariat (SIMAS). Interviews with SIMAS staff indicated that the province was reasonably satisfied with the policy framework, as are SUMA and SARM. Results of interviews with First Nations and municipal stakeholders identified at least two areas where significant delays can occur:

1. The environmental audit: The environmental audit can vary from a cursory checklist inspection to a thorough examination if health and safety issues are suspected. Contaminants must be cleaned-up before the land is transferred to reserve and every effort is made to ensure that lands to be transferred are clean before they become a federal responsibility. However, in some cases the findings of an environmental audit can lead to extended delays for minor spills (e.g., a tractor oil spill); and,

2. The Province: From the municipality's viewpoint, there appears to be a reluctance on the part of the province to grant reserve status; in particular, to add urban land to reserves. With no one particular department taking the lead for the province on additions, municipalities must deal with a series of provincial crown corporations (e.g., SaskPower). This only adds more steps to an already lengthy process.

British Columbia Region:

The members of the additions committee generally agreed that the policies and procedures for handling additions proposals are satisfactory. In the opinion of DIAND interviewees, there is a strong likelihood that First Nation stakeholders would perceive significant delays directly attributable to the policy and its procedures.

From our compliance reviews, there is evidence that significant delays are being incurred in the initial period following the issuance of the BCR. There is some evidence that the complexity of the social track, with its requirement for a Feasibility Study[6], its two ATR committee reviews, and its strict linkage to an imminent capital project (which necessitates an environmental audit and assessment) is also causing some delays. There is some evidence that the Department of Justice responsibilities are leading to delays, especially insofar as issuance of the OiC documentation is concerned. However, the Minister of Justice cannot sign-off unless all interests are cleared.

In general, municipal interviewees felt there is too much bureaucracy and that the federal government is not that helpful. In their view, municipal concerns (e.g., Licence of Occupation) are not being addressed. There is no contact point in the department to relate to and telephone calls and letters go unanswered.

Among the First Nations interviewees (and from the file reviews) there appears to be a high level of dissatisfaction with ATR process. It is a very slow process which is seen as a series of delaying steps. In one case, delays have been entirely attributable to the province, while in another, the delays are due to bureaucracy (DIAND, the Province, etc.). In their opinion, there is room for improvement, but all parties (including the band) need to be actively involved in pushing the ATR proposal to the end. In their opinion, the process could be streamlined somewhat by:

---

[6]This preliminary step is unique to the B.C. region. Additions to reserves in B.C. are divided into two groups: capital projects and land projects. All capital projects (a majority of B.C. additions fall into this category) require a feasibility study to justify the addition.

- dealing with municipal service issues after the land has been granted reserve status; and,

- less provincial interference.

From the point of view of the province, the main reason for delay is the issue of timber on the land being designated for reserve. Timber is a rich resource for the province and its value must be considered.

Other Regions

In general, regional DIAND officials interviewed in the other regions expressed satisfaction with the policy and its procedures. All regions recognize that the policy is a lengthy and arduous one, particularly for the First Nation stakeholders.

It was difficult for interviewees to make specific suggestions for streamlining the process. The process proceeds one step at a time and patience is the key. Further, it must be kept in mind that there are three government bureaucracies plus the band's bureaucracy at work during the additions process and it is the nature of bureaucracies to move slowly.

In the Québec region, DIAND officials indicated that there appears to be a general resistance on the part of the provincial and municipal governments to either add lands to reserves or create new reserves. This may be attributable in part to the political and public reaction to the Oka crisis.

Compliance With the Policy

Site Visits:

Ontario Region:

Compliance procedures in Ontario appear to be quite thorough. Typically, District officials will assist the First Nation in preparing the Additions Proposal Checklist, which will often take several weeks. Following this, the proposal (BCR, Checklist, documentation) is forwarded to the DIAND regional office. Here it is given initial review by the Additions to Reserve Committee. If the proposal then moves forward, a series of steps are carried out - environmental evaluation, land appraisal (if necessary) and consultation with municipalities and the province. Following the satisfactory completion of these steps, the proposal is again reviewed by the ATR Committee and a recommendation is made to the Regional Director General (RDG). The RDG's approval constitutes a recommendation to the Minister. At this stage, legal surveys, a title search and the preparation of an Order-in-Council (OiC) proceed.

Saskatchewan Region:

The study team found adequate compliance procedures within the regional office. The DIAND regional office uses a formal process for handling all additions to reserves. A project manager is assigned to each case, and a step-by-step procedure is used in preparing the case for the Additions to Reserves Committee (ARC). ARC consists of key directors who approve or reject each case. Other federal departments such as Justice and Natural Resources Canada are involved well before a proposal goes to ARC. DIAND relies heavily on the Department of Justice, subcontracting Justice to provide formal advice and recommendations on all key issues underlying additions requests.

British Columbia Region:

As in the other two regions visited, the study team found adequate compliance procedures within the regional office. However, regional review procedures appear to be less formal in the B.C. region. Our interviews with DIAND officials in the region indicated that there is no senior management membership on the New Bands/New Reserves/New Communities (NB/NR/NC) Committee[7] and there are no formal minutes kept of committee deliberations. Rather, the focus of compliance in the region is the DIAND additions proposal manager (a funding services officer or a lands officer) and Justice Canada. Our review of files indicated that each proposal was being handled in a consistent step-by-step process as outlined in their recently developed Desk Manual and that compliance with the policy was good.

Other Regions

Interviews with DIAND officials in the other regions indicated that compliance with the policy in their respective regions was ensured through the Regional Additions Committees, the Regional Directors General, the Department of Justice, and the field officers. In their opinion, all proposals are reviewed to make sure that they respect the spirit and the wording of the policy. In most cases, formal minutes are kept of the deliberations of the Regional Additions Committee. In Manitoba, proposals are also reviewed by a policy as well as an advisory committee.

Costs of Proposed Additions

HQ

Although costs of proposed additions are not tracked at HQ, one interviewee noted that the Department needs to examine its corporate strategy vis-à-vis the costs of additions to reserves as the future impact on DIAND's A-base of the consequences of additions (i.e., as the reserve land base is being enlarged, more and more people will be living on reserves) in terms of staffing (HQ and the regions), social costs (housing, health facilities, schools, etc.), policing costs, infrastructure costs, etc., will be significant.

[7]B.C.'s regional additions committee.

Site Visits

Ontario Region:

As an ATR is undertaken by a dedicated unit in the Ontario region, the costs of a proposed addition are better known and tracked. In addition, one member of the Ontario additions committee indicated that future financial liability to the federal government is a major consideration when reviewing an application for an addition of land to a reserve.

Saskatchewan Region:

Results of interviews with DIAND officials indicated that the costs related to the adding of lands to reserve under the FFA are essentially market driven. The First Nation acquisition of private property for the addition of TLE lands is based on "willing seller - willing buyer" transactions. Where federal property is involved, the price of the land and assets to be sold to a First Nation is usually based on an independent appraisal. Costs associated with legal title and surveys are borne by the department. In the case of specific claims, the federal government must make whatever expenditure is required to ensure the obligation is discharged.

Our review of files indicated that costs of individual additions are not always known or well documented in the files.

British Columbia Region:

Results of our file reviews indicated that the costs of proposed additions are not well documented in the files. Therefore, it was difficult to estimate what the costs are and whether they are in line or not.

Other Regions

Interviews with DIAND officials in the other region indicated that in the Atlantic, Manitoba and Alberta regions, estimated costs of proposed additions were generally accurate given the market conditions for property prices.

In the Québec Region, the costs of the ATR process were not tracked. Three officers are assigned ATR responsibilities in addition to other tasks and it would be difficult to estimate what portion of total resources is absorbed by ATR activity. However, in most cases, the downstream costs associated with an addition to a reserve were not significant.

Identification of Gaps or "Grey Areas" in the Policy

HQ

The only gap or "grey area" in the policy identified during our interviews with HQ officials pertained to the economic justification for adding land to a reserve. This justification is hardly ever used and, in fact, it is a difficult one to argue for. As stated in the policy, it cannot be used to avoid paying taxes and, once the issue of taxes is removed from the equation, the situation is no longer viable for economic reasons.

Site Visits

Ontario Region:

In Ontario, the use of the economic criterion raises concerns about the avoidance of taxation and about competition with established local businesses and is usually not accepted. Consequently, First Nations, in putting proposals forward, try to do their utmost to avoid using the "economic reasons" criterion. As noted earlier in the report, there is a lack of clarity in the policy as to what is permitted under this criteria.

In addition, the provincial government's use of a Land User Permit during the construction phase of a project raises the issue of federal liability in such cases. To date this has not yet been assessed.

Saskatchewan Region:

With respect to policy gaps or "grey" areas, the FFA gives specific guidance for handling most issues affecting the transfer of TLE lands to reserves. The most significant obstacles to progress at present, and likely in the future, are implementation issues such as third party stakeholder concerns and problems. These vary from case to case. These will need to be resolved by negotiation and political will. The FFA itself appears to be sufficient with respect to the guidance it gives.

British Columbia Region:

From DIAND's point of view, the economic justification for the addition of land to a reserve is unclear and is creating confusion for the First Nation stakeholders. In fact, a number of additions have been proposed using this justification and because of the lack of clarity in the policy as to what circumstances would permit this justification, consideration should be given to dropping this justification from the policy altogether.

For the province, the main area which needs clarification is that related to a band having access to the land before it is actually transferred from the province to the federal government. More specifically, if land is being added under the treaty process, and the band wants to expand prior to the settlement, the federal and provincial governments should consider doing a "book entry" between the two governments to allow the band access to the land during the transfer process. In the opinion of Justice, the current use of a provincial Licence of Occupation is not a satisfactory solution as it puts both the First Nation and the federal government at risk.

Other Regions

In general, DIAND officials interviewed in the other regions were unable to identify any gaps or "grey" areas in the policy that could result in its inconsistent application.

Summary of Findings

In summary, the study team found that:

- The Regional Additions Committees are generally satisfied with the policy and its procedures in handling additions proposals.

- The nature of the Regional Additions Committees (i.e., membership, frequency of meetings, existence of formal minutes, etc.) and the profile (who is responsible for implementing it) given ATR varies from region to region.

- From the point of view of DIAND, the ATR process is a long one; however, all steps are necessary. Results of the workshop discussions indicated that the process could be shortened by: modifying specific steps (e.g., the federal OiC, the NRCan survey requirements); combining steps; or, undertaking some steps in parallel (e.g., the feasibility study, the title search, the survey and the environmental audit could all be done at the same time). Workshop participants also felt that the ATR process could be shortened to about 1.5 years for a straightforward TLE case and to about 2 years for a straightforward ATR.

From the point of view of municipal and First Nation stakeholders, the policy is overly bureaucratic (too many steps) and time consuming in implementation. Delays are encountered at each step.

In Ontario and in B.C., the use of a Land User Permit and a Licence of Occupation respectively[8] to address timeliness is raising concerns (at Justice Canada) over the potential legal implications for DIAND. During the workshop, the Québec DIAND representative confirmed that, while the Licence of Occupation is also being used in that region, it is only used when a Provincial Agreement-in-Principle has been obtained. Workshop participants confirmed that building infrastructure on off-reserve land before adding it raises serious legal concerns.

- Compliance is well done. In all regions, compliance was ensured through the Regional Additions Committees, the Regional Directors General, the Department of Justice, and the field officers. The number of "players" involved in reviewing the proposals varied from region to region.

- The costs of proposed additions are not known or well documented; in particular, the costs of the process and the potential downstream costs to DIAND.

The downstream costs are usually regarded as negligible except in the case where a new reserve is created (distinction between an addition and a capital project thereon). However, at least one interviewee at HQ identified substantive implications for downstream costs at DIAND (staff resources, increased infrastructure, health services, policing, etc.) as a result of adding land to reserves. Future financial liability to the federal government is also a major consideration when looking at applications for adding land to a reserve in Ontario.

Workshop participants added that the net incremental costs to a region of an addition to a reserve are not well anticipated and have consequences on already defined budgets.

- There is a lack of clarity in the policy which is affecting the addition of land under the economic justification.

- The use of a provincial Licence of Occupation or Land User Permit has legal implications for federal liability. This is of particular concern for the B.C., Ontario and Québec regions where they are being used to solve the timeliness problem of an ATR.

[8]That is, the province grants short term rights to a First Nation to begin construction before the land is formally transferred to the federal government.

Section 5 - Impact of the Policy

Issue 3: What has been the main impact of the policy, in particular on claims implementation and in the creation of urban reserves?

Findings

The discussion below presents our detailed findings related to the impact of the policy on claims. Our findings are based on a review of documents, interviews, site visits and the workshop. Although our findings are national in scope, more detailed findings were made available during our site visits. The sub-headings reflect the main topics discussed during our interviews and data collection.

Claims Settlements Versus Other Justifications

HQ

HQ interviewees generally agreed that adding land under the claims route is the easiest and quickest than under any other justification. The reasons given for this include:

- the adding of land under a claims settlement is, in effect, the "righting" of a past wrong; i.e., the department has legal and moral responsibility to add the land to the reserve; and,

- the money is directly available to the First Nations to buy their own land while under other justifications the money for the land has to be found, usually by the band.

A small number of HQ interviewees indicated that, while they felt that claims negotiators understand the implications of the ATR policy on a claims settlement, they were not sure whether First Nations understand them. In fact, one interviewee indicated that the First Nations may see the ATR policy as an impediment to negotiations for a claims settlement - this is particularly true for British Columbia.

Site Visits

Ontario Region:

DIAND officials in Ontario indicated that one and the same policy process must serve both socially justified proposals and negotiated specific claims-based transfers. However, the latter are "done deals" and, unless there is something extraordinarily wrong, they will be added to a reserve fairly easily. This is certainly not the case of social or economic need proposals. The priority question with respect to these is whether there is any basis for transferring land at all.

In fact, several large additions owe their origins to the interfacing policies. For example, the addition of 40,000 acres to the Mississauga reserve arose out of a specific claim based on the misinterpretation of a treaty. The provision of lands for the so-called "Six Pack" First Nations arose out of a "Ministerial commitment" based on an intergovernmental agreement. In addition, the Neengaegamik land additions arose out of a First Nation/Canada/Ontario agreement to enlarge and establish a number of reserves on provincial Crown land.

Saskatchewan Region:

In Saskatchewan, the consultants believe that the transfer of lands, particularly under the FFA but also under specific claims, has significantly enhanced the ability of First Nations to achieve their objectives, including the objective of self-government. The First Nations will attain a larger land base and hence a greater share of the economic potential and wealth of the Province of Saskatchewan. Moreover, a great deal of useful learning will take place as a result of the TLE process.

British Columbia Region:

In British Columbia, the two-track approach of the DIAND office to Additions to Reserves, gives explicit recognition to the fact that ATRs linked to claims settlements are different form additions falling under other policy justifications. Although DIAND interviewees indicated that the implications of the policy on the implementation of claims settlements were well understood, their opinion was not shared by the First Nation, municipal and provincial stakeholders.

First Nation interviewees indicated that they did not fully understand the implications of the ATR policy on the implementation of claims settlements. The whole process, in their opinion, became a "learn as you go" exercise.

At least two of the municipal interviewees said that the ATR policy limits negotiations. In one case, the municipality felt "overpowered" by DIAND and the band during negotiations.

The province also has problems with the specific claims. They have found that, once a band has bought the land with federal money, it automatically assumes ownership of the land. However, the land is still under provincial jurisdiction and all site-specific considerations (third parties, etc.) must be applied before it can be added to reserve.

Other Regions

DIAND officials interviewed in the Atlantic and Manitoba regions felt that adding land is easier under a claims settlement than under other policy justifications. The main reason given for this was that, under a claims settlement, the land rightfully belongs to the reserve and no further justification to have it added is necessary.

The DIAND spokesperson in Québec indicated that the most common rationale for adding land to a reserve was social need. In Québec, a specific claims settlement was very difficult where municipal officials perceived a concern or issue about the proposed addition. In addition, the DIAND spokesperson in Québec indicated that, as the federal claims negotiator has discretionary powers to insert a clause in the agreement which will allow replacement land purchased by compensation dollars to be considered for an addition to reserve, an obligation is created for the Crown to pursue this addition. This is creating pressure and, in their opinion, claims negotiators should submit copies of all specific claims agreements where there is a clause indicating potential ATR activity to Regional Additions Committees. Recommendations to pursue the addition would then be made to the Deputy Minister or Regional Director General where appropriate.

As in Québec, a specific claims settlement was difficult for the Yukon where most additions activity is done under a comprehensive claim.

DIAND officials interviewed in Alberta had mixed opinions on the benefits of adding land under a claims settlement versus adding land under another justification. While one spokesperson felt that it was no more difficult to process a claim under the specific claims settlement as opposed to any other policy justification, another said that there was difficulty in getting the claim in place. From their point of view, it was easier to process a land exchange or an outright purchase. Further, specific claims created a problem for regions because of the different ways claims are settled.

DIAND officials in most of the regions generally concurred that the First Nations may not fully understand the implications of the ATR policy on the implementation of claims settlements.

Third Party Interests and the Additions Process

HQ

HQ interviewees indicated that third party interests and issues have a significant impact on the additions process. This is particularly true for Saskatchewan where the volume of land being considered is large. Every interest (provincial, municipal, third party) must be resolved before the addition can go ahead and, in Saskatchewan, there are a large number of interests. From HQ's point of view, resolution of third party interests appear to work best when the First Nations handle it themselves (through costs paid for by the First Nations with the money granted them in the claims process) through their own lawyers.

Site Visits

Ontario Region:

In Ontario, the resolution of third party interests is relatively straightforward in the north, where additions to reserves typically involve the transfer of Crown land and where government and private interests are usually cooperative. In the densely populated south, matters can be considerably more difficult because of the larger number and variety of third party interests.

Though not always simple, a legal third party interest can be resolved. But it may be far more difficult to deal with parties who have no legal interest but who perceive that their land or business will be negatively affected by the proposed addition (those landowners, municipalities, etc. whose properties are adjacent to a proposed addition). Such parties can be quite effective in stalling the additions process or bringing it to a halt and do so by working through their local municipalities or other institutions. This negative activity is viewed by the Department as a "backlash" to the ongoing evolution of First Nation demands for self-government. This type of situation is not unique to Ontario.

Saskatchewan Region:

The resolution of third party issues is a source of significant delays in adding land to reserve in Saskatchewan. What is needed here is the political will and partnering of all stakeholders to negotiate agreements. This has already begun to happen in dealing with municipal concerns; e.g., FSIN, SUMA, and SARM established a "round table" in September of 1995 to address key issues affecting the two parties. A similar "partnering" process could be developed to deal with third parties. In addition, FSIN perceives that additional resources would help First Nations resolve third party issues.

British Columbia Region:

In British Columbia, there are strong indications that third party interests present new and tough challenges to the additions process. Generally speaking, these interests must be resolved prior to obtaining approval in principle and it is the band's responsibility to resolve these interests. There is some evidence in the files that local authorities are not cooperating in resolving these issues expeditiously, preferring to maintain the status quo. In the opinion of the provincial spokesperson, there is a need to solve the problem of provincial tenure agreements. Third parties do not like changing their terms and conditions in the middle of a lease and this is becoming a difficult situation to resolve without upsetting one or both parties.

Other Regions

DIAND officials in the other regions generally agreed that third party interests were not an issue. The most common problem for private landowners is access.
In Manitoba, third party issues were generally resolved through service agreements or money, while in Alberta, third parties must agree to accept the replacement disposition and replacement of the land.

Additions of Urban Land

HQ

The addition of urban land did not appear to be an issue for those at HQ. One interviewee did note that, although the ATR policy does not encourage urban reserves, the policy does give negotiators a guide on how to proceed.

Site Visits

Although, there has not been much in the way of urban land additions activity across the regions, DIAND officials generally agreed that urban additions entail more restrictive compliance on the part of the band than is needed for a rural addition. In the case of urban land, the band must comply with local zoning regulations, by-laws and service agreements. In addition, officials foresee a problem over the issue of development control in an urban setting whereby the municipality may wish to control the property use after it comes under the control of a First Nation.

With the exception of Saskatchewan, the ATR policy facilitates negotiations for additions involving urban reserves to the extent that the policy encourages the band and local authorities to come to some form of agreement on issues such as water access, service provision, etc. In Saskatchewan, under the provisions of the FFA, First Nations must negotiate agreements with urban municipalities when urban reserves are created. There are now several models for such agreements, encompassing matters such as payment for services, compatibility of bylaws, enforcement of bylaws, and arbitration. Interviews with a small number of municipal officials indicated that, so far, it would appear that municipalities are content with the arrangements in place.

Similarly, such agreements are useful when urban reserves are created under specific claims. For example, this procedure was used in putting an urban reserve into Yorkton. Finally, the cost of urban land is usually signficantly higher than that of rural land and in British Columbia the high cost of urban land in the province has severely limited the number of additions involving urban land.

Other Regions

In most of the other regions, DIAND officials indicated that, as very few of their communities were adjacent to reserves, there was very little in the way of urban additions. However, they generally agreed with their counterparts in Ontario, Saskatchewan and British Columbia that urban additions present challenges. In Québec, the DIAND official noted that the addition of urban land was particularly difficult given the strong resistance on the part of municipalities to additions to reserve. As noted previously, this was thought to be due in part to the reaction to the Oka crisis.

Summary of Findings

In summary, the study team found that:

- The specific claims route to add land is generally easier than adding land under other justifications. This is due to the fact that a legal and moral obligation to add the land already exists and the money to buy the land is already available to the band.

- In general, there is concern that First Nations and claims negotiators may not fully understand the implications of the ATR policy on the implementation of claims settlements. Workshop participants also indicated that the knowledge of the claims negotiators of the ATR process varied considerably and that there is a danger that they give out misleading information to First Nations and raise expectations.

- Third party issues are a growing concern in Ontario, British Columbia and Saskatchewan. In these regions, resolution of legitimate additions to reserves are being stalled by third party interests and there is no formal mediator role for brokering stalled negotiations. During the workshop, it was learned that Alberta region uses a mediator to resolve third party (usually oil and gas interests) situations that have stalled.

- The addition of urban land to a reserve is usually more complex, time-consuming, and costly than an addition of rural land.

Section 6 - Effectiveness of Delivery

Issue 4: How effectively is the policy being delivered (environmental review considerations, etc.)?

Findings

The discussion below presents our detailed findings related to the effectiveness of delivery. Our findings are based on a review of documents, interviews, site visits and the workshop. Although our findings are national in scope, more detailed findings were made available during our site visits. The sub-headings reflect the main topics discussed during our interviews and data collection. It is important to note that HQ is not directly involved in the delivery of the policy; therefore, they were not able to comment on all questions pertaining to this issue. However, where appropriate, their comments have been noted.

Consistency of Review Procedures for Proposals for Additions

Site Visits

Ontario Region:

ATRs are handled consistently by the Ontario region regardless of justification. In part, this is because the ATR process is carefully controlled and rigorously structured. For a proposal to move forward, all documentation must be in place and all steps must have been carefully taken. However, it is also due to the quality and dedication of District and Regional staff. Officers interviewed were thoroughly familiar with the process and unquestionably competent.

Saskatchewan Region:

In Saskatchewan, ATRs under the FFA TLE process are handled in accordance with Schedule 6 of the Framework Agreement, which has been devised in recognition of the special circumstances of the TLE process. The more streamlined approach outlined in Schedule 6 is also generally applied to ATRs under specific claims.

British Columbia Region:

There is every indication that ATRs are handled consistently in the region regardless of justification. This is due to the role of the provider of functional guidance. This person is the resource person for the region on ATR. This individual is frequently consulted and gives advance indication of the likelihood of committee approval in principle. In addition, this individual performs the secretariat function for the New Bands/New Reserves/New Communities Committee.

Other Regions

DIAND officials interviewed in the other regions generally agreed that the review procedures in their respective regions were consistent with the policy and were the same for each proposal regardless of the justification. However, interviewees noted, that on occasion, anomalies are encountered that do not meet the required documentation.

Procedures Causing the Greatest Delays and Potential for Streamlining

Site Visits

Ontario Region:

From discussions with Ontario officials and stakeholders, it was concluded that the most significant delays occur because of: the thoroughness by which the process is applied; third party interests; response times in dealings with other governments and First Nations; and, pressures from the general public. Saying that the process is applied thoroughly is not a criticism, but merely a matter of pointing out that most of the steps involved are time consuming. Much of the length of the process is due to the difficulty of resolving third party interests, particularly in the densely populated south. In addition, heavy staff workloads in the district offices as well as at Justice were also cited as contributing factors in terms of the delays encountered in completing additions.

With the change in government, dealings with the government of Ontario have become uncertain. It is still too early to tell how the present government will respond to Aboriginal issues and concerns. Dealings with municipalities have run the spectrum from easy to extremely difficult. Again, they seem to be particularly problematic in the south, where longstanding negative relations between a First Nation and a municipal government may surface at the time of an ATR. The problem may be fueled by pressures from the general public, members of which may see their land and business interests endangered by the proposed ATR.

Dealings with First Nations may take longer than should be necessary because of internal Band politics, changes in Band government, and general uncertainty about who, in the First Nation, should deal with an issue. There continues to be a lack of concurrence between DIAND and First Nations on the respective responsibilities of First Nation and DIAND staff. DIAND believes that the First Nation should take control of much of the ATR process whereas the First Nation tends to view DIAND as its service organization. Despite the substantial controls which are exercised in the ATR process, unexpected surprises will occur. For example, unsuspected third party interests may be discovered late in the process or additional surveys may be required.

Saskatchewan Region:

As indicated by interviews, the time taken to move a case through the policy process is seen as too long by both FSIN and DIAND. A flow chart prepared by FSIN illustrated that, provided all goes smoothly, TLE transfers take some 470 days (approximately 1.5 years) from their initiation to an OiC. An aspect of the TLE process which has come under frequent criticism was the length of time it takes to prepare an OiC and obtain Cabinet approval to add land to a reserve. It was mentioned by DIAND officials that valuable time is wasted in sending diskettes back to the region to correct minor errors. It was felt by regional DIAND officials that these errors could have been easily corrected in Ottawa. In addition, such delays are costly as the First Nations must continue to pay taxes on lands as long as they hold fee simple title. This was a frequent complaint and, in the opinion of the DIAND regional office, consideration should be given to addressing the timeliness of the OiC.

Another source of delay is the long time it takes to resolve third party issues. What is needed here is the political will and partnering of all stakeholders to negotiate agreements.

All key stakeholders appear to be aware of the issues which cause delays in the process. In fact, FSIN has spent the past year examining various aspects of implementation. Some action toward streamlining has already begun. For example, a "round table" was established in September 1995 by formal agreement among FSIN, SUMA and SARM. The goal is to address key issues (e.g., municipal tax loss compensation, agreements to provide services to the added land, etc.) affecting the timeliness and rate of processing of TLE additions. DIAND and FSIN also meet regularly to address outstanding issues relevant to the timeliness of the additions process. This effort to work in partnership is reflected in the comments given to the study team by a small number of municipal interviewees in which they indicated that progress was being made vis-à-vis First Nations and municipalities in their efforts to work together.

British Columbia Region:

Results of our file reviews and our interviews with the various stakeholders indicate that there are delays encountered at almost every step of the way. A number of these are related to the decentralized way in which ATR is implemented in the region. As noted before, ATR is the responsibility of Funding Services Officers (FSOs) and Lands Officers and ATR is only one of many priorities they must deal with. Further, there is a high turnover of staff in lands management. This means that files are often in the hands of a series of individuals which results in delays in the process as each successive person needs to familiarize themselves with the file.

The requirement for a feasibility study by a First Nation to justify their proposal for a capital project (e.g., housing) under the policy can lead to significant delays in the process. Our file review found that these feasibility studies are lengthy, complex, and sometimes costly studies requiring a series of consultant engineers. The reports themselves are incredibly lengthy. Further, once the feasibility study has been completed, the First Nation must conduct a second similar study for the province. In the opinion of the provincial spokesperson, there is no need for two studies.

Delays can also occur during the process as a result of a band not having a dedicated individual (e.g., a Land Manager for the band) to actively push the file. However, once a timing constraint emerges, it is the band and its agents (lawyers and consultant engineers) that keep pressing to resolve the Additions to Reserve.

Other sources of delay or difficulty in delivering the policy include: the resistance of local authorities and third parties; and, the relative slowness of the Department of Justice to respond and sign off.

Other Regions

In addition to the above, interviewees in the other regions mentioned the following as having the potential for holding back an addition:

- the availability of dollars for the purchase of urban land;
- the environmental review procedures which can be quite onerous;
- consultations with provincial and municipal governments (delays in this area were significant for the Québec region); and,
- the preparation of the Governor's Order-in-Council. The Alberta interviewees indicated that this step was a source of significant delay for their region.

First Nations' Awareness of Site-Specific Aspects of Policy

HQ

HQ interviewees generally agreed that, from their point of view, First Nations may not be fully aware of the site-specific aspects of the policy. In most cases, adding land to a reserve is a one-time event for a band and, therefore, there is no previous experience to draw on. Generally speaking, most bands do not have to deal with the policy.

Site Visits

Ontario Region:

The general view of Ontario regional staff is that First Nations should be informed of the site-specific aspects of the policy. Although the region offers a number of ways (e.g., presentations, the user guide, sample wording for BCRs) for bands to become aware of the site-specific aspects of the policy , in general they are not. However, this is not likely the case for First Nations which have had considerable exposure to the policy. One First Nation official suggested that he knew the policy as thoroughly as DIAND personnel, but that it was "still not working for his First Nation".

Saskatchewan Region:

According to interviews with FSIN personnel, First Nations, through the FSIN and through Justice, are fully informed of site specific aspects of cases such as: financial review, title, road issues, mineral rights, public access, other third party concerns, etc.

British Columbia Region:

It is not certain whether First Nations are aware of the site-specific aspects of the policy. It appears from the file review, that generally speaking, First Nations do not fully understand the policy, and that they are learning about ATR as they go through the process.

Other Regions

Interviews with DIAND officials in the other regions indicated that, in their opinion, First Nations are generally aware of the site-specific aspects of the policy as there is usually good communication between the regional office and the First Nations. However, they may not be fully aware of the bureaucratic implications of going through the required steps.

There have been regional efforts to ensure that First Nations understand the site-specific aspects of the policy. For example, in the Atlantic Region, First Nations are given a copy of the policy at the outset of the process. In Alberta, many of the First Nations who have experience in adding land to their reserves have had Lands training.

First Nation Stakeholders and Third Party Interests

Site Visits

Ontario Region:

In Ontario, it is not the specific third party interests that are the problem but acceptance of the mechanisms for resolving them which is problematic. A lack of money may be the problem in some cases. However, in others, particularly in the south, the complexity of, and responsibility for such interests may be the greater problem.

Saskatchewan Region:

Money seems to be one of the key to resolving third party issues. In addition, political will and new partnerships along with possible legislative streamlining should also be part of any third party resolution process. FSIN, as the representative of the largest stakeholder in the additions process, is frustrated over the lack of resources needed for it to play a role in resolving land transfer problems, particularly those related to third party interests.

British Columbia Region:

First Nation interviewees indicated that lack of money hinders their ability to solve third party issues.

Other Regions

In addition to the above, interviewees in the other regions generally agreed that the regional office tries to work with the First Nations to resolve third party interests. Generally speaking, third party issues tend to generate legal implications which usually result from the fact that land tenure rules for a provincial government differ from those for the federal government. As one individual said " Any time there is a change in 'landlords', there is a change in terms and conditions. First Nations must be aware of these changes and any problems or questions should be resolved to the satisfaction of all parties.

Facilitation of Potentially Contentious Issues Through Clearer Policy Guidelines

HQ

HQ interviewees agreed that clearer policy guidelines were required to deal with those issues which are missed by the policy framework and have been identified in section 3 as emerging regional issues; e.g., joint reserves, sub-surface rights, municipal tax loss compensation, etc.

Site Visits

Ontario Region:

Ontario interviewees indicated that what is needed in Ontario more than specific policy guidelines is a general clarification of respective roles. The region takes the view that the First Nations are responsible for a number of aspects of the ATR process, yet regional staff spend considerable time doing the front-end work that the First Nation is supposed to be doing.

In addition, the respective roles of specific claims negotiators and ATR staff are not clear. In resolving specific claims, expectations are created that land will move to reserve quickly, and the fact that there is still the lengthy ATR process to go through is not always evident. This puts pressure on ATR staff and raises the level of frustration between First Nations and DIAND.

Saskatchewan Region:

Interviews with the various stakeholders indicated that writing clearer policy guidelines to address potentially contentious issues such as tax loss under specific claims, surface access to subsurface rights, and rights of way, was not felt to be practical at this time. Current obstacles need to be resolved through inter-party negotiations. Political will by various stakeholder groups, further education on the future implications of reserve land holdings, and accurate information to the public, would be positive steps. More training is needed to both manage and communicate the ATR process. Model agreements between First Nations and municipalities need to be widely disseminated throughout the province, as do lessons learned from current negotiations. All stakeholders were positive about proceeding along this path. Because the FFA has a large potential for bringing about change in Saskatchewan, organizations and leaders, especially those in a position to influence the younger generation, should be approached for assistance in making the transfer of land a positive and successful process.

British Columbia Region:

DIAND and provincial interviewees indicated that clearer policy guidelines would help to set the municipal tax loss compensation rate.

Other Regions

Manitoba interviewees reflected the view of those in B.C.; i.e., they would like to see clearer policy guidelines with regards to what is "reasonable" in terms of compensation for a municipality's tax loss as a result of land being added to reserve.

Need for Region-Specific Procedural Guidelines

HQ

For those HQ interviewees who commented, in their opinion there did not appear to be a need for region-specific procedural guidelines to complement the policy.

Site Visits

Ontario Region:

Ontario staff appear fully aware of the various steps in the process. However, they indicated that they would like to see better role clarification in the ATR process, particularly between DIAND staff and First Nations.

Saskatchewan Region:

As the TLE process dominates the additions process in Saskatchewan, Schedule 6 of the FFA serves as a region-specific set of guidelines to moving land to reserves in the province. The consultants believe that Schedule 6 has pretty well replaced Chapter 9 as the guide for adding land to reserve in Saskatchewan.

British Columbia Region:

British Columbia has already in place region-specific procedural guidelines to complement the policy. To reflect its somewhat unique approach (capital projects versus straight lands acquisitions and the procedures required to manage the two types) to additions to reserves under the policy, the region recently released (in both official languages) its Additions to Reserves Desk Manual. This manual was designed to "walk the reader through the ATR process". The manual is written for the use of DIAND employees (Funding Services Officers and Lands Officers) who are involved in the management of additions of land to reserve status and contains sample forms and letters which they will need throughout the process. Interviews with DIAND FSOs and Lands officers indicated that this manual was considered to be an excellent resource.

The regional office is also sending copies of the Desk Manual to First Nation stakeholders to help explain the policy to them.

Other Regions

DIAND interviewees in other regions indicated that, in general, there was value in having region-specific guidelines to complement the policy. In addition to what existed in Saskatchewan and B.C., it was learned that Manitoba also had region-specific procedural guidelines in place.

Effectiveness of Environmental Review Procedures

Site Visits

Ontario Region:

A review of the files and conversations with DIAND officials led the study team to believe that, in Ontario, environmental review procedures are generally timely, effective and accurate. However, some exceptions were noted while reviewing the files; for example, in one case a site visit was made to a northern rural site in midwinter, when it would have been very difficult to assess site contamination.

Saskatchewan Region:

Generally, from a compliance perspective, all procedures were deemed thorough and complete. A few minor nuisances in the procedural process were noted by the DIAND official; e.g., a "no action" on the part of First Nations is not possible in the case of minor contamination such as a tractor spill. In addition, as for Ontario, it was not clear from the files to what extent off-site contamination was taken into account.

British Columbia Region:

A review of the files and conversations with DIAND officials led the study team to believe that in B.C., environmental review procedures are timely, effective and generally accurate. However, it must be kept in mind that, as most of the land added to date has been rural, the chances that contamination will be found is remote

Other Regions

DIAND officials interviewed in the other regions agreed that the environmental review procedures were generally effective, useful and helpful. They are there to protect both the First Nations and the federal government. However, they could potentially delay an addition.

In Québec, some ATR cases have been delayed pending resolution of environmental issues. The problem does not lie with the procedures themselves but rather it is related to provincial policy. The DIAND regional office does not have any funds for pollution clean-up linked to Additions to Reserve. As previously noted, under the policy, land cannot be transferred to a band until it is environmentally clean.

Summary of Findings

Therefore, in summary the study team found that:

- Proposals for additions are handled consistently within regions regardless of the justification. However, the additions process itself varies from region to region. For example, in B.C., an additional step has been added for proposals under the social (housing) justification - a feasibility study which creates a longer time line for an ATR.

- The procedures involved in the greatest delays or difficulty in the additions process are:

  - the federal Order-in-Council (OiC);
  - the numerous checkpoints required by the provincial stakeholders; and,
  - the timeliness of the band itself in processing their tasks required under the ATR. Workshop participants added that band councils and/or chiefs frequently change and this just adds to the time that it takes for a band to respond to a requirement under the ATR.

  In addition, workshop participants identified three other sources of delay; i.e:

  - lack of understanding of the various stakeholders, in particular First Nations and municipalities, of the complexity of the steps involved in the ATR process;
  - the NRCan survey requirements. Land surveys have to be signed off in Ottawa and provincial surveys are not acceptable for the ATR process; and,
  - the workload of regional DIAND staff which can put other priorities ahead of ATRs.

- There is potential for streamlining by:

  - streamlining specific steps through a consultative process involving all stakeholders; e.g., undertaking some steps in parallel, modifying specific steps (the OiC process, the NRCan survey requirements, the use of a mediator to resolve third party issues, etc.); and,
  - sharing corporate wisdom and lessons learned (from successful ATRs) across the country.

  NB. Workshop participants indicated that a number of enhancements are currently being implemented to improve the speed of the OiC process. These changes include macros, translation and general streamlining. In addition, they pointed out that there was a Working Group at HQ, which includes officials from DIAND and NRCan, currently looking at the issue of the NRCan survey requirements. However, they felt that such a group should have regional representation on it.

- First Nations' awareness of the site-specific aspects of the policy varied from region to region and within a given region.

- Third party interests are a concern for First Nations and they generally feel that they need more guidance and financial help in resolving them.

- Clearer policy guidelines could, to some extent, help solve and/or expedite many contentious issues (e.g., compensation for municipal tax loss). For example, workshop participants indicated that the resolution of some third party issues could be speeded up if the presence of a third party interest on lands to be added to reserve is predesignated in referenda held by a band.

- Region-specific guidelines, developed by regions, may be required to complement the policy. In fact, this has already been done in Saskatchewan (Schedule 6) and B.C. (Desk Manual). In addition, specific guidelines would also be appropriate for the North/South split in Ontario. This was supported by the workshop participants.

- Environmental review procedures are generally done quickly, inexpensively and competently. However, a review of files has identified the following concerns:

  - contamination emanating from contiguous real property;
  - the conduct of site inspections in the winter;
  - overuse of the checklist only; i.e., no site visit; and,
  - problems in handling an insignificant amount of contamination; i.e., cannot indicate "no action needed" - this results in an ATR process being stalled over a very small oil spill (e.g., a tractor spills its oil on the land).

- Workshop participants agreed that consultations with First Nations are sensitive. There is a strong rationale for talking to a band's manager of land issues, as these persons are likely to be most affected by the policy and process. In Saskatchewan, consultations between FSIN and the Region (and other regional stakeholders) have already begun and should be encouraged to continue to explore ways of improving the ATR implementation process (e.g., FSIN and the Region meet regularly as do FSIN, SUMA and SARM). In their view, Phase II of the Evaluation, First Nations should be consulted on their views of the Additions to Reserve policy and process and on suggestions for improvement.

Section 7 - Conclusions and Recommendations

Conclusions

Overall

We concluded that, overall, the current ATR policy is relevant and effective, and regions are complying with it in a positive way. The policy is strongly supported by regions despite some specific concerns with a few minor areas of the policy lacking precision as well as gaps due to emerging issues concerning implementation. While the environment is changing rapidly, the program is evolving in a positive direction in response to these changes.

As a result of the detailed findings (site visits, interviews) and results of the workshop, we concluded that:

Relevancy of the Policy

- In light of the current and projected land claims activity, increasing fiscal restraint, increased interest in urban reserves and the inherent right to self-government policy, the policy is still relevant in that it responds to the need for additional reserve land.

- The policy does not adequately address: municipal tax loss compensation , the economic rationale, competing/ overlapping claims, and reserves held jointly by more than one band.

- In implementing the policy, the following are not adequately addressed: resolution of third party issues, surplus Crown property, compatibility with municipal by-laws and related enforcement, and significantly contaminated land.

- There are also a number of emerging issues in implementing the policy. These include: merchantable timber, surface access to sub-surface rights (minerals, oil and gas) by third parties, contaminated land, and the net incremental costs to a region in the longer term as the result of an addition.

Effectiveness of the Policy

- From the point of view of DIAND and the First Nation stakeholders, the ATR process is cumbersome and time-consuming to implement.

- The regions have complied with the additions policy in exercising their delegated authority.

- The costs of an addition, in particular downstream costs to DIAND, are not well anticipated.

Impact of the Policy

- It is easier to add land to a reserve under specific claims settlements than under any other policy justifications.

- Claims negotiators and First Nations may not fully understand the implications of the claims settlement process. More clarification may be required for First Nations and other involved parties as to when and how many acres will be added to reserve.

- The addition of urban land is usually more complex, time-consuming and costly than an addition of rural land.

Effectiveness of Delivery

- Delivery of the ATR policy is consistent within regions but not between regions. However, delivery of the policy is being affected by:

  - the number and complexity of the steps involved in the process; and,
  - the lack of understanding of the ATR process on the part of stakeholders.

- There is potential for improvement by streamlining specific steps (i.e., modify, combine or undertake steps in parallel) and by sharing corporate wisdom and lessons learned across the country.

- Clearer guidelines (such as a Desk Manual) would be helpful in resolving a number of the emerging issues.

- Region-specific procedural guidelines help in delivering the policy within a given region's particular circumstances.

Recommendations

The study has found that the policy itself is sound; rather it is the process which needs addressing. Thus, our six recommendations are focused on making the process better.

Context 1: The ATR process is too long and regional managers urged that the department be more open to risk if the turnaround time is to be reduced. There is potential for improvement by streamlining specific steps through modifying, combining or undertaking in parallel. For example, in British Columbia the feasibility study, the title search, the survey and the environmental assessment could be done in parallel.

Recommendation 1: *That the Director of Lands coordinate with regions to identify ways to reduce the time required for the ATR process.*

Context 2: To a large extent, DIAND manages the ATR process, a process which involves doing many relatively small steps correctly. A number of these steps are controllable by DIAND. Each region has found ways to shorten the process and, as regional managers found the workshop forum a very effective information-sharing venue, they urged that it be repeated.
The learning process for improving the timing of ATRs can be a common one and it was found that information and learning is not being effectively shared across the regions. It is possible to analyze and remedy common bottlenecks and to make step-by-step improvements. For example: Alberta's use of a mediator to solve third party issues could be shared or the protocol service agreements Saskatchewan has with Justice and NRCan to speed up the process could be copied. There needs to be a better medium for communication and exchange that uses modern technology.

Recommendation 2: *That the Director of Lands convene an annual meeting to discuss Additions to Reserves issues. The agenda will include best practices for emerging issues (e.g., contaminated land), lessons learned, risk assessment, and other relevant information as needed. In addition, ways will be discussed on how to share this information (e.g., an electronic bulletin board).*

Context 3: The knowledge of claims negotiators of the ATR process varies considerably. There is the danger that the negotiators set in place measures that are difficult to fulfill under the Additions to Reserve process.
First Nation understanding of the process varies considerably. Among First Nations that understand the process, the commitment to the ATR process varies considerably. There is a need to ensure that First Nations are aware of all they can do to minimize the duration of the process and to ensure that resolution of issues with stakeholders such as municipalities can be expeditiously achieved. As proponents of Additions to Reserve, First Nations have a kind of "joint venture" relationship with DIAND for the achievement of these transfers.

Recommendation 3: *That the Director of Lands coordinate with the regions to take steps, including the preparation of appropriate documentation, to inform:*

- *claims negotiators on the Additions to Reserve process, so that they communicate realistic information to First Nations on roles, responsibilities and time lines, and so that implementation of claims settlements can take place expeditiously;*
- *First Nations on the Additions to Reserve process and their role and responsibilities in the process to ensure they know what to expect;*
- *municipalities on the Additions to Reserve policy to ensure they are aware of the policy's implications for them; and,*
- *other affected parties.*

Context 4: Municipalities and local authorities, such as irrigation districts and conservation and development authorities, express concern about the effects of additions to reserve on processes within their purview such as: strategic and development plans, land use plans, by-law compliance and enforcement, compatible uses of land and water supply. Generally, the process for resolution of issues between First Nations and these local stakeholders is difficult. It may be that mediation and conflict resolution resources should be made available, either under the auspices of DIAND or some other framework, possibly involving the province and the provincial association of municipalities. It is important to target action at this time.

Recommendation 4: *That the Director of Lands coordinate with regions to take action to assist First Nations, municipalities and local authorities to resolve their emerging implementation issues. Possible actions could include the development of best practices and/or new approaches to address these issues, as well as ways to test the effectiveness of such approaches.*

Context 5: There are key policy issues that should be addressed; in particular, municipal tax loss compensation, the economic rationale, competing/overlapping claims, and reserves held jointly by more than one band.

Recommendation 5: *That the Director of Lands, in close collaboration with the regions, clarify the current policy in the above areas that have been identified in the course of this evaluation as lacking precision.*

Context 6: There is growing concern within the department about resources and service implications of increased additions activity. As the reserve land base is enlarged, community requirements for services and infrastructure will increase demands on staff and financial (capital and O&M) resources. No corporate data are currently available on the human and financial resources required to process anticipated additions to reserves and administer these lands once added to reserve. Also, no assessment exists of the impact of additions on other departmental programs. Several departmental sectors and all regions are implicated, although not all regions are equally impacted because of their varying levels of additions activity.

Recommendation 6: *In order that regions have data which will enable them to determine what actions they should take in advance to ensure they can meet departmental obligations resulting from increased reserve land base, that RDGs undertake to develop an initial five-year projection for their respective regions, to be updated annually, of:*

- *the human and financial resources required both to process anticipated additions to reserves and to administer these lands once added to reserves; and,*
- *the related increases in demands on all departmental sectors.*

And that RDGs undertake to advise the ADMs of both Lands and Trusts Services and Corporate Services sectors annually of their projections and the actions, if any, they propose.

Terms of Reference

TERMS OF REFERENCE
THE EVALUATION OF THE ADDITIONS TO RESERVES POLICY

NEED

A review of the Additions to Reserves (ATR) policy is required to assess the performance and continued relevance of the policy. The review will concentrate on both the impacts of the policy and compliance with its delegated authority.

BACKGROUND

The authority to expand reserve lands is highly significant to First Nations in terms of economic development and maintaining a traditional way of life. In 1990, a DIAND Working Group reviewed existing policies and procedures which allow land to be added to a reserve or a new reserve created to deal with social, economic and geographic issues such as the lack of room for housing. Conditions for ATR include: where the department recognizes a lawful obligation to do so in satisfaction of a treaty or land claim settlement, or other legal obligations, or where there is a specific ministerial commitment mandated on a case by case basis. In 1991, DIAND amended the ATR policy to delegate authority for ATR to regions provided they are within existing regional budgets, meet specified criteria (including environmental) and consult municipalities.

Since 1991, there has been a yearly increase in ATR, mainly due to the growth in land claim settlements. There were 81,524 acres of land approved since 1990-1991. In 1994-1995, there were 2,366 reserves on an estimated 6.8 million acres (2.75 million hectares) of land.

There are other implications to consider when making an addition to a reserve, such as the cost of setting up infrastructure and schools. Outside the department, provincial and municipal governments are concerned that ATR leads to a loss of property and tax base, in particular with urban reserves, and the department is currently dealing with the issue of compensation for such losses.

SCOPE/ISSUES

The study is being conducted concurrently with the *Evaluation of Land Management* and will be national in scope. The evaluation will focus on the effectiveness and the impacts of the policy. There will also be a component that will review and assess compliance by regions with the delegated authority to approve additions to reserves.

.../2

The evaluation study will examine the following issues:

- Is the policy still relevant, especially in light of current and projected claims activity, increasing fiscal restraint, increased interest in urban reserves and the inherent right to self-government policy?

- How effective have the policy and its procedures been for regions, First Nations, and the public in dealing with reserve expansion? Have the regions complied with the ATR policy in exercising their delegated authority? What are the strengths and weaknesses of the current system?

- What has been the impact of the policy, in particular on claims implementation and in the creation of urban reserves?

- How effectively is the policy being delivered (environmental review considerations, etc.)?

APPROACH

The evaluation will be conducted with advice from the Lands Program Management and in conjunction with an advisory committee made up of program officers., Data collection will be collected using a combination of contracted and in-house resources and, where possible, data collection will be done in conjunction with the Lands evaluation to minimize disruption to regions and communities and to maximize the value for money of contracts.

The evaluation will use multiple lines of evidence including: file and document reviews, stakeholder interviews, case studies and best practices reviews. File reviews related to the issue of compliance with the ATR policy may include proposals for ATR, for new bands and band amalgamations and related documents.

Key regions to visit will include British Columbia, Saskatchewan, the Northwest Territories and Ontario while other regions will be asked to supply relevant document.

SCHEDULE

The planning for the study will commence in the Summer of 1995 while data collection will take place over the summer and early Fall. Preliminary results and a draft report are expected by December 1995.

.../3

COSTS

The estimated budget for the study will be $60,000. The program will share equally in the cost of the study with the Audit and Evaluation Branch.

APPROVED

Wendy F. Porteous
Assistant Deputy Minister
Lands and Trust Services
June 8, 1995

Action Plan

AUDIT AND EVALUATION / VERIFICATION INTERNE ET ÉVALUATION

REQUEST FOR ACTION PLAN / DEMANDE DE PLAN D'ACTION

PROJECT / PROJET : 94/24
DATE SENT / DATE D'ENVOIE : 96.06.06
DATE DUE / ÉCHÉANCE : 96.10.31

PROJECT TITLE / TITRE DU PROJET : EVALUATION OF THE ADDITIONS TO RESERVES POLICY
REGION OR BRANCH / RÉGION OU DIRECTION GÉNÉRALE : LANDS AND TRUST SERVICES

(1) RECOMMENDATIONS / RECOMMANDATIONS	(2) REPORT / RAPPORT PAGE NO.	(3) ACTION PLAN / PLAN D'ACTION (If space provided is insufficient please continue on blank sheet. / Si vous manquez d'espace, veuillez continuer sur une page blanche.)	(4) RESPONSIBLE MANAGER / GESTIONNAIRE RESPONSABLE (TITLE / TITRE)	(5) PLANNED COMPLETION DATE / DATE PREVUE DE MISE EN OEUVRE
1. That the Director of Lands coordinate with regions to identify ways to reduce the time required for the ATR process.	51	1a. Streamline current approval process for Orders in Council (OICs), including OICs for ATR.	Director, Lands	98-03-31
		1b. Seek alternative to case-by-case OICs for ATRs by:	Director, Lands	
		- Received DOJ opinion on various alternatives;		96-07-16
		- Pursuing alternative of "ministerial agency OIC" with PCO, other fed'l dept's, First Nations and the provinces;		97-06-30
		- Present proposal to Senior Policy Committee.		97-12-31
		1c. Address problem of dealing with existing third-party interests in land to be added to reserves, by:	LTS initiative	96-12-07
		- Seeking pre-reserve designation amendment to sec. 38(2) of *Indian Act* as part of Minister's Indian Act Amendments Initiative;	Director, Lands	97.05.01
		- Clarifying with DOJ question of granting replacement interest under *Federal Real Property Act* prior to reserve addition;	Regional Directors, LTS, all regions	97-06-30
		1d. Regions, where possible, will undertake various steps in the ATR process simultaneously, and discuss best practices in this regard at annual HQ/regional meetings on ATR.	Regional Directors, LTS, all regions	97-12-31
		1e. Develop processes with Specific Claims Directorate (SCD) to include LTS in claims negotiations wherever an ATR is likely to be part of settlement.		

AUDIT AND EVALUATION / VERIFICATION INTERNE ET ÉVALUATION

REQUEST FOR ACTION PLAN / DEMANDE DE PLAN D'ACTION

PROJECT / PROJET : 94/24
DATE SENT / DATE D'ENVOIE : 96.06.06
DATE DUE / ÉCHÉANCE : 96.10.31

PROJECT TITLE / TITRE DU PROJET : EVALUATION OF THE ADDITIONS TO RESERVES POLICY
REGION OR BRANCH / RÉGION OU DIRECTION GÉNÉRALE : LANDS AND TRUST SERVICES

(1) RECOMMENDATIONS / RECOMMANDATIONS	(2) REPORT / RAPPORT PAGE NO.	(3) ACTION PLAN / PLAN D'ACTION (If space provided is insufficient please continue on blank sheet. / Si vous manquez d'espace, veuillez continuer sur une page blanche.)	(4) RESPONSIBLE MANAGER / GESTIONNAIRE RESPONSABLE (TITLE / TITRE)	(5) PLANNED COMPLETION DATE / DATE PREVUE DE MISE EN OEUVRE
2. That the Director of Lands convene an annual meeting to discuss Additions to Reserves issues. The agenda will include best practices for emerging issues (e.g., contaminated land), lessons learned, risk assessment, and other relevant information as needed. In addition, ways will be discussed on how to share this information (e.g., an electronic bulletin board).	52	2. Annual meetings to discuss ATR issues are being planned starting fall/winter 1996-1997 to coincide with annual regional Lands Managers meetings. Representatives from SCD and from Treaty Land Entitlement (TLE) will also be invited since ATRs are often due to a claim or TLE settlement and two-way dialogue with these sectors would be essential. Items planned for 1996-1997 meeting include: - status report on current initiatives such as alternatives to OICs, and the pre-reserve designation amendment; - Exchange of existing regional information packages on ATR with view to developing uniform packages to First Nations, Municipalities, Claims negotiators, other interested parties; - round table to share best practices in dealing with third party interests as well as lessons learned in other aspects of ATR.	Director, Lands	97-06-30

AUDIT AND EVALUATION / VERIFICATION INTERNE ET ÉVALUATION

REQUEST FOR ACTION PLAN / DEMANDE DE PLAN D'ACTION

PROJECT / PROJET : 94/24
DATE SENT / DATE D'ENVOIE : 96.06.06
DATE DUE / ÉCHÉANCE : 96.10.31

PROJECT TITLE / TITRE DU PROJET : EVALUATION OF THE ADDITIONS TO RESERVES POLICY
REGION OR BRANCH / RÉGION OU DIRECTION GÉNÉRALE : LANDS AND TRUST SERVICES

(1) RECOMMENDATIONS / RECOMMANDATIONS	(2) REPORT / RAPPORT PAGE NO.	(3) ACTION PLAN / PLAN D'ACTION (If space provided is insufficient please continue on blank sheet. / Si vous manquez d'espace, veuillez continuer sur une page blanche.)	(4) RESPONSIBLE MANAGER / GESTIONNAIRE RESPONSABLE (TITLE / TITRE)	(5) PLANNED COMPLETION DATE / DATE PREVUE DE MISE EN OEUVRE
3. That the Director of Lands coordinate with regions to take steps, including the preparation of appropriate documentation, to inform: - claims negotiators on the Additions to Reserve process, so that they communicate realistic information to first Nations on roles, responsibilities and time lines, and so that implementation of claims settlements can take place expeditiously; - First Nations on the Additions to Reserve process and their role and responsibilities in the process to ensure they know what to expect; - municipalities on the Additions to Reserve policy to ensure they are aware of the policy's implications for them; and, - other affected parties.	52	3a. Place this item on agenda for fall/winter 1996-1997 meeting of regional Lands Managers on ATR policy, and prepare for discussion by: - Gathering and circulating samples of documentation (pamphlets, etc.) currently in use or being developed in the various regions; - Discuss, at that meeting, questions such as how/whether to standardize information packages as among the regions, and whether separate packages should be developed for different target audiences (First Nations, municipalities, Claims Negotiators, etc.).	Director, Lands, in cooperation with Regional Directors, LTS, all regions	97-06-30

AUDIT AND EVALUATION / VERIFICATION INTERNE ET ÉVALUATION

REQUEST FOR ACTION PLAN / DEMANDE DE PLAN D'ACTION

PROJECT / PROJET : 94/24
DATE SENT / DATE D'ENVOIE : 96.06.06
DATE DUE / ÉCHÉANCE : 96.10.31

PROJECT TITLE / TITRE DU PROJET : EVALUATION OF THE ADDITIONS TO RESERVES POLICY
REGION OR BRANCH / RÉGION OU DIRECTION GÉNÉRALE : LANDS AND TRUST SERVICES

(1) RECOMMENDATIONS / RECOMMANDATIONS	(2) REPORT / RAPPORT PAGE NO.	(3) ACTION PLAN / PLAN D'ACTION (If space provided is insufficient please continue on blank sheet. / Si vous manquez d'espace, veuillez continuer sur une page blanche.)	(4) RESPONSIBLE MANAGER / GESTIONNAIRE RESPONSABLE (TITLE / TITRE)	(5) PLANNED COMPLETION DATE / DATE PREVUE DE MISE EN OEUVRE
4. That the Director of Lands coordinate with regions to take action to assist First Nations, municipalities and local authorities to resolve their emerging implementation issues. Possible actions could include the development of best practices and/or new approaches to address these issues, as well as ways to test the effectiveness of such approaches.	53	4a. Participants at the first annual ATR meeting will consider the department's role in assisting First Nations and municipalities in resolving their ATR issues and, in this connection, will consider the best means of assisting these parties in locating existing agreements on matters such as service agreements, compatibility of First Nation/municipal by-laws, enforcement issues and dispute resolution mechanisms, which existing agreements might serve as models for ongoing ATRs.	Director, Lands in cooperation with Regional Directors, LTS, all regions	97-06-30
		4b. Consider, at the annual ATR meeting of fall/winter 1996-1997, options for the mediation of First Nation/municipal issues, either under the auspices of DIAND or some other facilitator such as a provincial association of municipalities or the Centre for Excellence in Municipal-Aboriginal Relations.	Director, Lands in cooperation with Regional Directors, LTS, all regions	97-06-30

AUDIT AND EVALUATION / VERIFICATION INTERNE ET ÉVALUATION

REQUEST FOR ACTION PLAN / DEMANDE DE PLAN D'ACTION

PROJECT / PROJET : 94/24
DATE SENT / DATE D'ENVOIE : 96.06.06
DATE DUE / ÉCHÉANCE : 96.10.31

PROJECT TITLE / TITRE DU PROJET : EVALUATION OF THE ADDITIONS TO RESERVES POLICY
REGION OR BRANCH / RÉGION OU DIRECTION GÉNÉRALE : LANDS AND TRUST SERVICES

(1) RECOMMENDATIONS / RECOMMANDATIONS	(2) REPORT / RAPPORT PAGE NO.	(3) ACTION PLAN / PLAN D'ACTION (If space provided is insufficient please continue on blank sheet. / Si vous manquez d'espace, veuillez continuer sur une page blanche.)	(4) RESPONSIBLE MANAGER / GESTIONNAIRE RESPONSABLE (TITLE / TITRE)	(5) PLANNED COMPLETION DATE / DATE PREVUE DE MISE EN OEUVRE
5. That the Director of Lands, in close collaboration with the regions, clarify the current policy in the above areas [i.e. municipal tax loss compensation, the economic rationale, competing and overlapping claims, and reserves held jointly by more than one band] that have been identified in the course of this evaluation as lacking precision.	53	5a. - Senior Policy Committee has approved clarifications to the ATR policy on disputes over municipal tax loss compensation (now known as municipal tax loss adjustment payments).	Director, Lands in consultation with Regional Directors, LTS, all regions	95-10-24
		- This clarification appears in the upcoming new version of the ATR policy.	Director, Lands in consultation with Regional Directors, LTS, all regions	96-11-15
		5b. The upcoming new version of the ATR policy also contains clarifications as to: - content and meaning of the economic rationale; - how to check for and handle competing and overlapping claims by more than one band to the same lands; - the policy on reserves held jointly by more than one band; - that "environmental audits" of the land to be added are always required while "environmental assessments" under CEAA are only needed when a detailed "project" is attached.	Director, Lands in consultation with Regional Directors, LTS, all regions	96-11-15

AUDIT AND EVALUATION / VERIFICATION INTERNE ET ÉVALUATION

REQUEST FOR ACTION PLAN / DEMANDE DE PLAN D'ACTION

PROJECT / PROJET : 94/24
DATE SENT / DATE D'ENVOIE : 96.06.06
DATE DUE / ÉCHÉANCE : 96.10.31

PROJECT TITLE / TITRE DU PROJET : EVALUATION OF THE ADDITIONS TO RESERVES POLICY
REGION OR BRANCH / RÉGION OU DIRECTION GÉNÉRALE : LANDS AND TRUST SERVICES

(1) RECOMMENDATIONS / RECOMMANDATIONS	(2) REPORT / RAPPORT PAGE NO.	(3) ACTION PLAN / PLAN D'ACTION (If space provided is insufficient please continue on blank sheet. / Si vous manquez d'espace, veuillez continuer sur une page blanche.)	(4) RESPONSIBLE MANAGER / GESTIONNAIRE RESPONSABLE (TITLE / TITRE)	(5) PLANNED COMPLETION DATE / DATE PREVUE DE MISE EN OEUVRE
6. In order that regions have data which will enable them to determine what actions they should take in advance to ensure they can meet departmental obligations resulting from increased reserve land base, that RDGs undertake to develop an initial five-year projection for their respective regions, to be updated annually, of: - the human and financial resources required both to process anticipated additions to reserves and to administer these lands once added to reserve; and, - of the related increases in demands on all departmental sectors. And that RDGs undertake to advise the ADMs of both Lands and Trusts Services and Corporate Services sectors annually of their projections and the actions, if any, they propose.	54	Each region will be submitting its own action plan to address recommendation 6.		

AUDIT AND EVALUATION / VERIFICATION INTERNE ET ÉVALUATION

REQUEST FOR ACTION PLAN / DEMANDE DE PLAN D'ACTION

PROJECT / PROJET : 94 / 24
DATE SENT / DATE D'ENVOIE : 96.10.11
DATE DUE / ÉCHÉANCE : 96.10.17

PROJECT TITLE / TITRE DU PROJET : EVALUATION OF THE ADDITIONS TO RESERVES POLICY / ÉVALUATION DE LA POLITIQUE D'AJOUTS AUX RÉSERVES

REGION OR BRANCH / RÉGION OU DIRECTION GÉNÉRALE : ALBERTA REGION

(1) RECOMMENDATIONS / RECOMMANDATIONS	(2) REPORT / RAPPORT PAGE NO.	(3) ACTION PLAN / PLAN D'ACTION (If space provided is insufficient please continue on blank sheet. / Si vous manquez d'espace, veuillez continuer sur une page blanche.)	(4) RESPONSIBLE MANAGER / GESTIONNAIRE RESPONSABLE (TITLE / TITRE)	(5) PLANNED COMPLETION DATE / DATE PREVUE DE MISE EN OEUVRE
6. In order that regions have data which will enable them to determine what actions they should take in advance to ensure they can meet departmental obligations resulting from increased reserve land base, that RDGs undertake to develop an initial five-year projection for their respective regions, to be updated annually, of: - the human and financial resources required both to process anticipated additions to reserves and to administer these lands once added to reserve; and, - of the related increases in demands on all departmental sectors. And that RDGs undertake to advise the ADMs of both Lands and Trusts Services and Corporate Services sectors annually of their projections and the actions, if any, they propose.	54	a. Identify lands that will be added to reserve status within the next five years.	Manager, Lands & Resources	October 15, 1996
		b. Project time frames when these lands will be reserve status.	Manager, Lands & Resources	November 15, 1996
		c. Identify human and financial resources within a five year period to administer these lands pursuant to the *Indian Act*.	Manager, Lands & Resources	December 15, 1996
		d. Consult with other Departments/Sectors of costs associated with the proposed reserve lands prior to these lands being granted reserve status.	Manager, Lands & Resources	March 31, 1997
		e. Establish a process whereby the proposed lands are identified and update on a regular basis and inform other departmental sectors.	Manager, Lands & Resources	March 31, 1997

AUDIT AND EVALUATION / VERIFICATION INTERNE ET ÉVALUATION

REQUEST FOR ACTION PLAN / DEMANDE DE PLAN D'ACTION

PROJECT / PROJET : 94 / 24
DATE SENT / DATE D'ENVOIE : 96.10.11
DATE DUE / ÉCHÉANCE : 96.10.17

PROJECT TITLE / TITRE DU PROJET : EVALUATION OF THE ADDITIONS TO RESERVES POLICY
REGION OR BRANCH / RÉGION OU DIRECTION GÉNÉRALE : **ATLANTIC REGION**

(1) RECOMMENDATIONS / RECOMMANDATIONS	(2) REPORT / RAPPORT PAGE NO.	(3) ACTION PLAN / PLAN D'ACTION (If space provided is insufficient please continue on blank sheet. / Si vous manquez d'espace, veuillez continuer sur une page blanche.)	(4) RESPONSIBLE MANAGER / GESTIONNAIRE RESPONSABLE (TITLE / TITRE)	(5) PLANNED COMPLETION DATE / DATE PRÉVUE DE MISE EN OEUVRE
6. In order that regions have data which will enable them to determine what actions they should take in advance to ensure they can meet departmental obligations resulting from increased reserve land base, that RDGs undertake to develop an initial five-year projection for their respective regions, to be updated annually, of: - the human and financial resources required both to process anticipated additions to reserves and to administer these lands once added to reserve; and - of the related increases in demands on all departmental sectors. And that RDGs undertake to advise the ADMs of both Lands and Trusts Services and Corporate Services sectors annually of their projections and the actions, if any, they propose.	54	A first draft of the projected cost of land additions to reserves for the next five years has been produced. Please note that Capital Costs has been interpreted to include land and community infrastructure in order to make use of the additional land. We have been informed by Funding Services that infrastructure funding is not affected by land addition, but is based on band membership and that they have projected no additional costs.	Manager, Lands and Environment	March 31, 1997

AUDIT AND EVALUATION / VERIFICATION INTERNE ET ÉVALUATION

REQUEST FOR ACTION PLAN / DEMANDE DE PLAN D'ACTION

PROJECT / PROJET : 94 / 24
DATE SENT / DATE D'ENVOIE : 96.10.11
DATE DUE / ÉCHÉANCE : 96.10.17

PROJECT TITLE / TITRE DU PROJET : EVALUATION OF THE ADDITIONS TO RESERVES POLICY
REGION OR BRANCH / RÉGION OU DIRECTION GÉNÉRALE : **BRITISH COLUMBIA REGION**

(1) RECOMMENDATIONS / RECOMMANDATIONS	(2) REPORT / RAPPORT PAGE NO.	(3) ACTION PLAN / PLAN D'ACTION (If space provided is insufficient please continue on blank sheet. / Si vous manquez d'espace, veuillez continuer sur une page blanche.)	(4) RESPONSIBLE MANAGER / GESTIONNAIRE RESPONSABLE (TITLE / TITRE)	(5) PLANNED COMPLETION DATE / DATE PREVUE DE MISE EN OEUVRE
6. In order that regions have data which will enable them to determine what actions they should take in advance to ensure they can meet departmental obligations resulting from increased reserve land base, that RDGs undertake to develop an initial five-year projection for their respective regions, to be updated annually, of: - the human and financial resources required both to process anticipated additions to reserves and to administer these lands once added to reserve; and, - of the related increases in demands on all departmental sectors. And that RDGs undertake to advise the ADMs of both Lands and Trusts Services and Corporate Services sectors annually of their projections and the actions, if any, they propose.	54	- develop multi-user data input system to facilitate data collection, sorting and reporting; - develop reporting form for projected additions to reserves; - capture data on following variables: name and number of First Nation; reason for projected addition; where possible, estimate of land base to be acquired (based upon existing DIAND/PWGSC information for additions involving capital developments); human resources and financial resources needed to 1) process acquisition/addition & 2) administer new lands; impacts on all departmental sectors - determine workload variables to be used as comparable for determining projected required resources and impacts (ie: based upon the number of hours/days to complete an addition. May be necessary to factor in various components eg: those involving a capital development; rural vs urban; size of parcel; provincial Crown vs fee simple lands; etc.); - report to provide projections for 5 years; - report to be produced and updated annually - RDG to advise ADM of Lands and Trust Services and Corporate Services sectors annually of projections and the actions, if any, proposed.	Director, LTS	April 1, 1997

AUDIT AND EVALUATION / VERIFICATION INTERNE ET ÉVALUATION

REQUEST FOR ACTION PLAN / DEMANDE DE PLAN D'ACTION

PROJECT / PROJET : 94 / 24
DATE SENT / DATE D'ENVOIE : 96.10.11
DATE DUE / ÉCHÉANCE : 96.10.17

PROJECT TITLE / TITRE DU PROJET : EVALUATION OF THE ADDITIONS TO RESERVES POLICY
REGION OR BRANCH / RÉGION OU DIRECTION GÉNÉRALE : MANITOBA REGION

(1) RECOMMENDATIONS / RECOMMANDATIONS	(2) REPORT / RAPPORT PAGE NO.	(3) ACTION PLAN / PLAN D'ACTION (If space provided is insufficient please continue on blank sheet. / Si vous manquez d'espace, veuillez continuer sur une page blanche.)	(4) RESPONSIBLE MANAGER / GESTIONNAIRE RESPONSABLE (TITLE / TITRE)	(5) PLANNED COMPLETION DATE / DATE PREVUE DE MISE EN OEUVRE
6. In order that regions have data which will enable them to determine what actions they should take in advance to ensure they can meet departmental obligations resulting from increased reserve land base, that RDGs undertake to develop an initial five-year projection for their respective regions, to be updated annually, of: - the human and financial resources required both to process anticipated additions to reserves and to administer these lands once added to reserve; and, - of the related increases in demands on all departmental sectors. And that RDGs undertake to advise the ADMs of both Lands and Trusts Services and Corporate Services sectors annually of their projections and the actions, if any, they propose.	54	The Claims Implementation program is looking at approximately 500 additions over the 10 - 12 years. It is planned that all O & M implementation costs (salaries etc.) would be covered by funds obtained in our TB submissions. Any costs beyond establishment of the Reserve would become part of operational programs of the department. From the claims perspective, we would not be developing a separate data system for tracking and monitoring additions. These functions will be part of our overall Claims Project management system which we are preparing for implementation on April 1, 1997.	Director, Lands Entitlement and Claims Implementation	April 1, 1997

AUDIT AND EVALUATION / VERIFICATION INTERNE ET ÉVALUATION

REQUEST FOR ACTION PLAN / DEMANDE DE PLAN D'ACTION

PROJECT / PROJET : 94 / 24
DATE SENT / DATE D'ENVOIE : 96.10.11
DATE DUE / ÉCHÉANCE : 96.10.17

PROJECT TITLE / TITRE DU PROJET : EVALUATION OF THE ADDITIONS TO RESERVES POLICY
REGION OR BRANCH / RÉGION OU DIRECTION GÉNÉRALE : **NORTHWEST TERRITORIES REGION**

(1) RECOMMENDATIONS / RECOMMANDATIONS	(2) REPORT / RAPPORT PAGE NO.	(3) ACTION PLAN / PLAN D'ACTION (If space provided is insufficient please continue on blank sheet. / Si vous manquez d'espace, veuillez continuer sur une page blanche.)	(4) RESPONSIBLE MANAGER / GESTIONNAIRE RESPONSABLE (TITLE / TITRE)	(5) PLANNED COMPLETION DATE / DATE PREVUE DE MISE EN OEUVRE
6. In order that regions have data which will enable them to determine what actions they should take in advance to ensure they can meet departmental obligations resulting from increased reserve land base, that RDGs undertake to develop an initial five-year projection for their respective regions, to be updated annually, of: - the human and financial resources required both to process anticipated additions to reserves and to administer these lands once added to reserve; and, - of the related increases in demands on all departmental sectors. And that RDGs undertake to advise the ADMs of both Lands and Trusts Services and Corporate Services sectors annually of their projections and the actions, if any, they propose.	54	Draft estimates attached from three years ago that will be reworked to reflect the projected new reserves that may be established in the NWT Treaty 8 area.	Manager, LTS and Manager, Lands and Environment	November 15, 1996

AUDIT AND EVALUATION / VERIFICATION INTERNE ET ÉVALUATION

REQUEST FOR ACTION PLAN / DEMANDE DE PLAN D'ACTION

PROJECT / PROJET : 94 / 24
DATE SENT / DATE D'ENVOIE : 96.10.11
DATE DUE / ÉCHÉANCE : 96.10.17

PROJECT TITLE / TITRE DU PROJET : EVALUATION OF THE ADDITIONS TO RESERVES POLICY
REGION OR BRANCH / RÉGION OU DIRECTION GÉNÉRALE : ONTARIO REGION

(1) RECOMMENDATIONS / RECOMMANDATIONS	(2) REPORT / RAPPORT PAGE NO.	(3) ACTION PLAN / PLAN D'ACTION (If space provided is insufficient please continue on blank sheet. / Si vous manquez d'espace, veuillez continuer sur une page blanche.)	(4) RESPONSIBLE MANAGER / GESTIONNAIRE RESPONSABLE (TITLE / TITRE)	(5) PLANNED COMPLETION DATE / DATE PREVUE DE MISE EN OEUVRE
6. In order that regions have data which will enable them to determine what actions they should take in advance to ensure they can meet departmental obligations resulting from increased reserve land base, that RDGs undertake to develop an initial five-year projection for their respective regions, to be updated annually, of: - the human and financial resources required both to process anticipated additions to reserves and to administer these lands once added to reserve; and, - of the related increases in demands on all departmental sectors. And that RDGs undertake to advise the ADMs of both Lands and Trusts Services and Corporate Services sectors annually of their projections and the actions, if any, they propose.	54	Consultation involving Corporate Services, Funding Services, LTS Region and LTS Districts to develop a forecasting format for projections. Information gathering on the additions in process required to make projections. Annual review of projections and recommended actions, if any (January of each year). Report by RDG to ADMs of LTS and Corporate Services of projections and recommendations, if any. (March of each year).	Chairman, Regional Review Committee Chairman, Regional Review Committee RDG	December 31, 1996

AUDIT AND EVALUATION / VERIFICATION INTERNE ET ÉVALUATION

REQUEST FOR ACTION PLAN / DEMANDE DE PLAN D'ACTION

PROJECT / PROJET : 94 / 24
DATE SENT / DATE D'ENVOIE : 96.10.11
DATE DUE / ÉCHÉANCE : 96.10.17

PROJECT TITLE / TITRE DU PROJET : EVALUATION OF THE ADDITIONS TO RESERVES POLICY / ÉVALUATION DE LA POLITIQUE D'AJOUTS AUX RÉSERVES

REGION OR BRANCH / RÉGION OU DIRECTION GÉNÉRALE : Quebec Region

(1) RECOMMENDATIONS / RECOMMANDATIONS	(2) REPORT / RAPPORT PAGE NO.	(3) ACTION PLAN / PLAN D'ACTION (If space provided is insufficient please continue on blank sheet. / Si vous manquez d'espace, veuillez continuer sur une page blanche.)	(4) RESPONSIBLE MANAGER / GESTIONNAIRE RESPONSABLE (TITLE / TITRE)	(5) PLANNED COMPLETION DATE / DATE PREVUE DE MISE EN OEUVRE
6. In order that regions have data which will enable them to determine what actions they should take in advance to ensure they can meet departmental obligations resulting from increased reserve land base, that RDGs undertake to develop an initial five-year projection for their respective regions, to be updated annually, of: - the human and financial resources required both to process anticipated additions to reserves and to administer these lands once added to reserve; and, - of the related increases in demands on all departmental sectors. And that RDGs undertake to advise the ADMs of both Lands and Trusts Services and Corporate Services sectors annually of their projections and the actions, if any, they propose.	54	6a. Establish a five-year forecast: 1) By drawing up a list of projects under way to create and enlarge reserves 2) By identifying potential projects to create and enlarge reserves for the next five years 3) By assessing the human and financial resources available and those required to complete projects identified in 1) and 2) and to manage lands that will have acquired reserve status	Regional Director, LTS	December 31, 1996 November 15, 1996 November 15, 1996 December 15, 1996
		6b. Carry out an annual review of the five-year forecast	Regional Director, LTSf / Regional Director, Finance Branch	October 15, 1996
		6c. Inform the RDG of the conclusions of the update of the five-year forecast	Regional Director, LTS / Regional Director, Finance Branch	November 1, 1996
		6d. Inform ADMs of Lands and Trust Services and Corporate Services of the annual update of the five-year forecast and of any recommended measures in relation to the Department's policy framework	Regional Director General	November 15, 1996

AUDIT AND EVALUATION / VERIFICATION INTERNE ET ÉVALUATION

REQUEST FOR ACTION PLAN / DEMANDE DE PLAN D'ACTION

PROJECT / PROJET : 94 / 24
DATE SENT / DATE D'ENVOIE : 96.10.11
DATE DUE / ÉCHÉANCE : 96.10.17

PROJECT TITLE / TITRE DU PROJET : EVALUATION OF THE ADDITIONS TO RESERVES POLICY
REGION OR BRANCH / RÉGION OU DIRECTION GÉNÉRALE : SASKATCHEWAN REGION

(1) RECOMMENDATIONS / RECOMMANDATIONS	(2) REPORT / RAPPORT PAGE NO.	(3) ACTION PLAN / PLAN D'ACTION (If space provided is insufficient please continue on blank sheet. / Si vous manquez d'espace, veuillez continuer sur une page blanche.)	(4) RESPONSIBLE MANAGER / GESTIONNAIRE RESPONSABLE (TITLE / TITRE)	(5) PLANNED COMPLETION DATE / DATE PREVUE DE MISE EN OEUVRE
6. In order that regions have data which will enable them to determine what actions they should take in advance to ensure they can meet departmental obligations resulting from increased reserve land base, that RDGs undertake to develop an initial five-year projection for their respective regions, to be updated annually, of: - the human and financial resources required both to process anticipated additions to reserves and to administer these lands once added to reserve; and, - of the related increases in demands on all departmental sectors. And that RDGs undertake to advise the ADMs of both Lands and Trusts Services and Corporate Services sectors annually of their projections and the actions, if any, they propose.	54	The region will prepare an initial projection of resource requirements and present to the ADM of Claims and Indian Government. Following the meeting with the ADM of Claims and Indian Government, a process will be established for annual reporting. Regional projections to be finalized and submitted to headquarters.	Director, LTS Director, LTS Regional Director General	December 15, 1996 December 31, 1996 December 31, 1996

AUDIT AND EVALUATION / VERIFICATION INTERNE ET ÉVALUATION

REQUEST FOR ACTION PLAN / DEMANDE DE PLAN D'ACTION

PROJECT / PROJET : 94 / 24
DATE SENT / DATE D'ENVOIE : 96.10.11
DATE DUE / ÉCHÉANCE : 96.10.17

PROJECT TITLE / TITRE DU PROJET : EVALUATION OF THE ADDITIONS TO RESERVES POLICY
REGION OR BRANCH / RÉGION OU DIRECTION GÉNÉRALE : YUKON REGION

(1) RECOMMENDATIONS / RECOMMANDATIONS	(2) REPORT / RAPPORT PAGE NO.	(3) ACTION PLAN / PLAN D'ACTION (If space provided is insufficient please continue on blank sheet. / Si vous manquez d'espace, veuillez continuer sur une page blanche.)	(4) RESPONSIBLE MANAGER / GESTIONNAIRE RESPONSABLE (TITLE / TITRE)	(5) PLANNED COMPLETION DATE / DATE PREVUE DE MISE EN OEUVRE
6. In order that regions have data which will enable them to determine what actions they should take in advance to ensure they can meet departmental obligations resulting from increased reserve land base, that RDGs undertake to develop an initial five-year projection for their respective regions, to be updated annually, of: - the human and financial resources required both to process anticipated additions to reserves and to administer these lands once added to reserve; and, - of the related increases in demands on all departmental sectors. And that RDGs undertake to advise the ADMs of both Lands and Trusts Services and Corporate Services sectors annually of their projections and the actions, if any, they propose.	54	Prepare projections of resource requirements for Additions to Reserve as well as a step by step process to follow. A review of the material will take place. Prepare and distribute the final projections to headquarters.	Manager, Lands, Estate and Registration	March 15, 1997 April 1, 1997